



THE STATUTES OF THE REPUBLIC OF SINGAPORE

LEGAL AID AND ADVICE ACT

(CHAPTER 160)

(Original Enactment: Act 20 of 1995)

REVISED EDITION 2014

(30th April 2014)

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

Informal Consolidation – version in force from 30/4/2014 to 1/10/2014

Legal Aid and Advice Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Director, Deputy Directors and Assistant Directors of Legal Aid
4. Panels of solicitors

PART II

LEGAL AID IN CIVIL ACTIONS

5. Scope and general conditions of legal aid in civil actions
6. Application for legal aid
7. Power of Director to make inquiries
8. Grant of Aid
9. Contributions from aided persons
10. Cancellation of Grant of Aid
11. Application for aid by more than one party
12. Endorsement and filing of Grant of Aid
13. Deposit in respect of out-of-pocket expenses
14. Court may order payment of costs by aided person in certain event
15. Legal aid not to discontinue without leave
16. Costs
17. Stay of proceedings upon making of application for legal aid
18. Appeal by aided persons
19. Rules of Court

PART III

LEGAL ADVICE

20. Right to and nature of legal advice

PART IV
SUPPLEMENTARY

Section

- 21. False or misleading statements, etc.
 - 22. Privileges attaching to certain relationships
 - 23. Regulations
 - 24. Amendment of Second Schedule
 - 25. Savings
 - First Schedule — Civil proceedings for which legal aid may be given
 - Second Schedule — Requirements relating to means of an applicant for legal aid
-

An Act to make provision for the grant of legal aid and advice to persons of limited means.

[1st October 1995]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Legal Aid and Advice Act.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “aided person” means a person who is issued a Grant of Aid and, where such a person is a minor, includes his guardian;
 - “court” means any court, tribunal or adjudicator before which or before whom any proceedings referred to in Part I of the First Schedule are heard;
 - “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);

“Grant of Aid” means the document issued by the Director under section 8(2) stating that legal aid is granted to a person;

“guardian”, in relation to a minor, includes any person whom the Director considers might properly be appointed to be the litigation representative of the minor;

“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;

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

[6/2013]

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 under this Act or Part IV of the International Child Abduction Act (Cap. 143C);
- (b) to act for persons receiving legal aid under this Act or Part IV of the International Child Abduction Act; and
- (c) to give legal advice under the provisions of this Act or Part IV of the International Child Abduction Act,

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

[27/2010]

(2) Any solicitor shall be entitled to have his name on the panels or any of them unless there is good reason for excluding or removing him on any of the grounds under subsection (2A).

[6/2013]

(2A) The Director may, at any time, exclude or remove any solicitor from any panel —

- (a) if the solicitor has ceased to be a practising solicitor for any reason;
- (b) if the solicitor has requested that the Director remove him from the panel;
- (c) if the solicitor has shown from his conduct when assigned to act for persons receiving legal aid or from his professional conduct generally that he is not a suitable person to remain on the panel; or
- (d) if, in the opinion of the Director —
 - (i) the solicitor is not a suitable person to be or to remain on the panel for any other reason; or
 - (ii) it is necessary or expedient to exclude or remove the solicitor's name from the panel for any other reason.

[6/2013]

(3) Where a solicitor is aggrieved by any decision excluding or removing 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.

[6/2013]

(4) A solicitor shall have the duty to disclose to the Director any information or give any opinion which may enable the Director to perform his functions under this Act, including such information or opinion which may reasonably be taken into account by the Director or the board referred to in section 8 in determining whether to refuse or cancel legal aid to a person or an aided person, and the solicitor shall not be precluded from so doing by reason of any privilege arising out of the relationship between solicitor and client.

[6/2013]

(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 or Part IV of the International Child Abduction Act such fees as may be agreed between the Director and the solicitor.

[27/2010]

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, to the issues involved, to the capacity in which the person requiring legal aid is concerned, or otherwise.

[6/2013]

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

[6/2013]

(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 an application in that behalf to the Director.

[6/2013]

(1A) Every application made under subsection (1) shall be accompanied by such fee (which shall be inclusive of goods and services tax) as may be prescribed.

[6/2013]

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

[6/2013]

(3) Where any application is made on behalf of a minor then —

- (a) a reference in section 7 or 8(2)(a) to the applicant shall be construed as a reference to the guardian and the minor 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 minor is unmarried and the guardian is a relative of the minor, be construed as a reference to both the guardian and the minor and in every other case shall be construed as a reference to the minor only.

[6/2013]

- (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.
- (5) Where —
- (a) an aided person was a minor at the time legal aid was granted to him in respect of any proceedings;
 - (b) such proceedings have not been concluded by the time he attains the age of 21 years; and
 - (c) the aided person wishes to continue receiving legal aid in respect of those proceedings after attaining the age of 21 years,

the aided person shall, upon attaining the age of 21 years, make a fresh application under subsection (1) for legal aid in his own right to the Director in respect of those proceedings.

[6/2013]

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 on the application or to give any opinion on the application 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 matters referred to in paragraphs (a) to (e) out of any funds in his control which are available for the purpose.

Grant of Aid

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 under section 4.

[6/2013]

(2) The Director may issue a Grant of Aid to an applicant 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 to the proceedings; 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.

[6/2013]

(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 issue a Grant of Aid 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.

[6/2013]

Contributions from aided persons

9.—(1) The Director may require an applicant to make one or more contributions in one lump sum or by instalments in respect of any matter for which an application for legal aid has been made by that applicant.

[6/2013]

(2) Unless the regulations otherwise provide, any sum remaining unpaid on account of a person's contribution in respect of any matter for which legal aid has been granted shall be a first charge on any property which is recovered or preserved for that person in the proceedings connected to the matter in favour of any fund established under this Act.

[6/2013]

(3) *[Deleted by Act 6 of 2013]*

(4) The reference in subsection (2) 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).

[6/2013]

(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) The Director may, in his discretion, reduce, waive or refund any contribution which an applicant is required to pay under subsection (1).

[6/2013]

Cancellation of Grant of Aid

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

[6/2013]

(2) Where the Grant of Aid cancelled under subsection (1) has been filed with any court, the Director shall file with the court a notification of the cancellation, and the person to whom the Grant of Aid was issued shall, as from the date of filing of such notification, cease to be an aided person.

[6/2013]

(3) Upon the filing in court of such notification, then, unless otherwise ordered by the court before which any proceedings are pending, all steps in the proceedings 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.

[6/2013]

(4) The time during which proceedings are stayed by virtue of subsection (3) may be reduced or extended by order of the court before which any proceedings are pending.

[6/2013]

(5) The Director shall take such steps as seem to him reasonable or necessary to inform the person to whom a Grant of Aid has been issued of the cancellation of any such Grant of Aid.

[6/2013]

Application for aid by more than one party

11.—(1) 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.

(2) The Director shall not himself act for either party referred to in subsection (1) but shall assign a solicitor to be selected by the Director from the appropriate panel of solicitors maintained pursuant to section 4, to act for each aided person.

[6/2013]

Endorsement and filing of Grant of Aid

12.—(1) Where a Grant of Aid is issued, the Director may act for the aided person or may select a solicitor from the appropriate panel

of solicitors maintained under section 4 and assign that solicitor to act for the aided person.

[6/2013]

(2) A fresh Grant of Aid shall be filed with the court in which any proceedings are taken or are pending in any case where —

- (a) a solicitor is assigned to act after a Grant of Aid has been filed with the court; or
- (b) a new assignment is made in place of a solicitor previously assigned.

[6/2013]

(3) Before taking any other step in the proceedings, the Director or the solicitor so assigned shall file the Grant of Aid with the court in which the proceedings are to be taken or are pending and no fee shall be charged in respect of the filing of the Grant of Aid.

[6/2013]

(4) Where any Grant of Aid is so filed, the aided person —

- (a) shall not be liable in respect of any proceedings to which the Grant of Aid relates for court fees or for such fees payable for the service of process or for any fees due to the Sheriff or bailiff 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 Grant of Aid relates;
- (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 Grant of Aid relates; and
- (d) shall not be liable to pay any deposit which would have been payable to the Official Assignee under the rules made under section 166 of the Bankruptcy Act (Cap. 20), where legal aid has been granted to the aided person to commence bankruptcy proceedings against a debtor.

[6/2013]

(5) 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 of the making of such investigation or report, the giving of such opinion, or the conduct of such proceedings.

(6) For the avoidance of doubt, the Director may take proceedings —

- (a) to enforce or give effect to any order or agreement for the recovery or preservation of property for the benefit of the aided person where, in respect of such property, there is a charge created under section 9(2) in favour of any fund established under this Act;
- (b) to enforce or give effect to any order or agreement for the payment of costs to an aided person in any proceedings to which an aided person is a party; or
- (c) to recover any sum due to any fund established under this Act from any person,

and in such event —

- (i) no Grant of Aid shall be required in respect of the proceedings taken by the Director; and
- (ii) subsection (4) shall apply to the proceedings taken by the Director as if the proceedings were taken by an aided person.

[6/2013]

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 Grant of Aid is issued 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 Grant of Aid relates.

[6/2013]

(2) Any amount deposited under subsection (1) shall be used only to pay —

- (a) firstly, the out-of-pocket expenses referred to in that subsection; and
- (b) after the payment of such out-of-pocket expenses, any outstanding contribution the applicant is required to pay under section 9(1).

[6/2013]

(2A) After the payments referred to in subsection (2)(a) and (b) have been made, the balance of the amount deposited under subsection (1), if any, shall be refunded to the applicant or the aided person, as the case may be.

[6/2013]

(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.

(5) Where the Director has made any advance out of the funds in his control to meet out-of-pocket expenses under subsection (3), the Director may require the applicant or the aided person, as the case may be, in respect of whom those expenses are incurred to repay to the Director any amount expended or advanced in such manner as the Director thinks fit.

[6/2013]

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

14.—(1) Where it appears to a court that a Grant of Aid has been obtained by fraud or misrepresentation, the court 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.

[6/2013]

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

[6/2013]

(3) Where it appears to a court that an aided person has acted improperly in bringing or defending any legal proceedings or in the conduct of them, the court 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.

[6/2013]

(4) Where an order is made under subsection (1) or (3), the costs shall be taxed as if the party ordered to pay costs 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(4)(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; except 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 Grant of Aid has been issued and who is not liable to make a contribution (whether in proceedings or by virtue of a settlement or compromise), he shall 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.

(5) Notwithstanding subsection (4) —

- (a) where the amount recovered does not exceed \$500, no sum shall be payable by the aided person under subsection (4); and
- (b) where the amount recovered exceeds \$500, the sum payable by the aided person under subsection (4) 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.

[6/2013]

(6) 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(4)(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.

(7) Where the costs recovered by the Director under this section include any of the fees, charges or sums referred to in subsection (6)(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 proceedings have been commenced 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 with the court in which the proceedings are pending, a notification in a prescribed form and no fee shall be payable in respect of the filing of the notification.

[6/2013]

(2) Where any notification is so filed, then, unless otherwise ordered by the court before which the proceedings are pending, all steps in the proceedings shall, by virtue of this section, be stayed for a period of 14 days, and during that period (unless otherwise ordered by the court), 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, except that —

- (a) the filing of the notification 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 the court before which proceedings are pending, is necessary to prevent an irremediable injustice; and
- (b) unless otherwise ordered by the court before which proceedings are pending, the filing of the notification 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.

[6/2013]

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

[6/2013]

Appeal by aided persons

18.—(1) Where —

- (a) a Grant of Aid has been filed in any court, and the proceedings to which the Grant of Aid relates have been heard in that court; and
- (b) the aided person desires to prosecute any appeal from the proceedings,

the aided person must make a fresh application for legal aid to the Director in respect of that matter, and the conditions for the issue of the Grant of Aid set out in section 8 shall apply.

[6/2013]

(2) Subsection (1) shall not apply to an appeal in respect of any interlocutory matter in any proceedings.

[6/2013]

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 under 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 under 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 prescribed fee (which shall be inclusive of goods and services tax).

[6/2013]

(5) Where a person who desires to be given legal advice is a minor, the application shall be made on behalf of the minor by his guardian.

[6/2013]

PART IV
SUPPLEMENTARY

False or misleading statements, etc.

21. If at any time a person seeking or receiving legal aid or legal advice —

- (a) knowingly makes any false or misleading statement or representation in his application for legal aid or legal advice;
- (b) fails to make full and frank disclosure of his means; or
- (c) fails to inform the Director of any changes to his means or circumstances which may render him ineligible for legal aid,

the person 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.

[6/2013]

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 Grant of Aid relates;
- (c) the relationship between a person seeking legal advice and the Director and the solicitor (if any) who gives the advice.

[6/2013]

(2) Notwithstanding anything in subsection (1), the privileges referred to in that subsection shall not arise in relation to any

information tendered to the Director concerning the property or income of the applicant for a Grant of Aid.

[6/2013]

(3) Unless this Act or any regulations made thereunder otherwise provide, the rights conferred by this Act on a person receiving legal aid or 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 is normally exercised.

[6/2013]

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);
- (ca) make provision as to the circumstances a Grant of Aid issued to a person may be cancelled;
- (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.

[6/2013]

(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.

(3A) Any fund established under this Act to meet the costs, fees, disbursements or expenses in connection with legal aid or advice under this Act may be applied for the purposes of legal aid or advice under the International Child Abduction Act (Cap. 143C).

[27/2010]

(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.

Savings

25.—(1) All legal aid certificates granted, all orders and applications made, notices given and acts and things done under the repealed Legal Aid and Advice Act (Cap. 160, 1985 Ed.) before 1st October 1995 shall have the same force and effect as if granted, made, given or done under this Act.

(2) A person who immediately before 1st October 1995 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

Sections 2 and 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 Syariah Court and the Syariah Court Appeal Board under the Administration of Muslim Law Act (Cap. 3).
7. Proceedings before the Commissioner for Labour under the Work Injury Compensation Act (Cap. 354).

FIRST SCHEDULE — *continued*

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. Any application under the Parliamentary Elections Act (Cap. 218) or the Presidential Elections Act (Cap. 240A).
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.
[42/2005; 6/2013]

SECOND SCHEDULE

Sections 6(3), 8(2), 20(2) and 24

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 \$10,000; and
 - (b) the amount of disposable income is \$10,000 per annum.
2. *[Deleted by Act 6 of 2013]*
3. *[Deleted by Act 6 of 2013]*
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;

SECOND SCHEDULE — *continued*

- (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 \$13,000 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;
- (g) moneys standing to the credit of the applicant's account in the Central Provident Fund, including such moneys in the Central Provident Fund withdrawn for investments in accordance with the Central Provident Fund Act (Cap. 36) and the Central Provident Fund (Investment Schemes) Regulations (Cap. 36, Rg 9); and
- (h) the total surrender value of one or more life policies held by the applicant up to the amount of \$46,000;

“disposable income” means the income of the applicant together with the income (if any) of the applicant's spouse during the period of 12 months immediately preceding the date of the application, after deducting —

- (a) an amount equal to \$6,000 for the applicant;
- (b) an amount equal to \$6,000 from the income of the applicant's spouse, if such income is not disregarded under paragraph 5;
- (c) an amount equal to the total sum contributed by the applicant and his spouse during that period towards the maintenance of each person partially or totally dependent on the applicant or the spouse, subject to a cap of \$6,000;
- (d) an amount not exceeding \$20,000 for rent;
- (e) an amount equal to the applicant's contributions to the Central Provident Fund during that period; and
- (f) an amount equal to the contributions of the applicant's spouse to the Central Provident Fund during that period, if the spouse's income is not disregarded under paragraph 5;

“life policy” has the same meaning as in paragraph 5 of the First Schedule to the Insurance Act (Cap. 142) but does not include any investment-linked policy as defined in paragraph 6 of the First Schedule to that Act.

5. For the purposes of paragraph 1, the Director may, in any case where an applicant for legal aid is living separate and apart from his spouse and where it

SECOND SCHEDULE — *continued*

appears to the Director in his absolute discretion to be reasonable to do so to relieve hardship, disregard the income of the spouse.

6.—(1) For the purposes of paragraph 1, and without prejudice to any exclusion or deduction provided under paragraph 4, the Director may proceed in accordance with sub-paragraph (2) in any case where —

- (a) an applicant for legal aid has suffered from sudden physical or mental disability which permanently and severely restricts his capacity to earn an income; and
- (b) it appears to the Director in his absolute discretion to be reasonable to do so to relieve hardship.

(2) For the purposes of sub-paragraph (1), the Director may —

- (a) in determining the disposable capital of the applicant, exclude savings of the applicant of up to \$30,000; and
- (b) in determining the disposable income of the applicant, deduct a further amount equal to —
 - (i) \$1,000, in the case of an applicant who has also suffered a sudden loss of income and requires legal aid to defend or take legal proceedings as a matter of urgency; or
 - (ii) \$2,000, in any other case.

7.—(1) Notwithstanding paragraphs 1 and 4, the Director may proceed in accordance with sub-paragraph (2) in any case where —

- (a) an applicant for legal aid has suffered a sudden loss of income and requires legal aid to defend or take legal proceedings as a matter of urgency; and
- (b) it appears to the Director in his absolute discretion to be reasonable to do so to relieve hardship.

(2) For the purposes of sub-paragraph (1), the Director may —

- (a) regard the amount of disposable income set out in paragraph 1(b) to be \$5,000 during the period of 6 months immediately preceding the date of the application; and
- (b) regard “disposable income” to mean the income of an applicant together with the income (if any) of the applicant’s spouse, during the period of 6 months immediately preceding the date of the application, after deducting —
 - (i) an amount equal to \$3,000 for the applicant;

SECOND SCHEDULE — *continued*

- (ii) an amount equal to \$3,000 from the income of the applicant's spouse, if such income is not disregarded under paragraph 5;
- (iii) an amount equal to the total sum contributed by the applicant and his spouse during that period towards the maintenance of each person partially or totally dependent on the applicant or the spouse, subject to a cap of \$3,000;
- (iv) an amount not exceeding \$10,000 for rent;
- (v) an amount equal to the applicant's contributions to the Central Provident Fund during that period; and
- (vi) an amount equal to the contributions of the applicant's spouse to the Central Provident Fund during that period, if the spouse's income is not disregarded under paragraph 5.

8.—(1) For the purposes of paragraph 1, and without prejudice to any exclusion or deduction provided under paragraph 4, the Director may, in any case where an applicant has applied for legal aid in respect of family proceedings, exclude the following property in determining the disposable capital which the applicant is possessed of:

- (a) a dwelling-house owned and exclusively used by the applicant and his family as their home if the annual value of the dwelling-house is assessed at not more than \$20,000; and
- (b) an additional amount equal to \$5,000.

(2) In this paragraph, “family proceedings” means any of the following proceedings:

- (a) proceedings under the Guardianship of Infants Act (Cap. 122);
- (b) proceedings under Part VII of the Women's Charter (Cap. 353) involving the applicant, his spouse, former spouse or a child of the applicant who is a minor;
- (c) any proceedings under Parts VIII and IX of the Women's Charter involving maintenance for a child of the applicant who is a minor;
- (d) proceedings under Part X of the Women's Charter involving any issue relating to the care, control, custody or maintenance of any child of the applicant who is a minor;
- (e) proceedings under sections 52 and 53 of the Administration of Muslim Law Act (Cap. 3) involving the custody, maintenance and education of any child of the applicant who is a minor or the enforcement of an order for the maintenance of such child;

SECOND SCHEDULE — *continued*

- (f) an appeal against an order made by a court in any of the proceedings referred to in sub-paragraphs (a) to (e).

[S 135/2001; S 310/2007; 6/2013]

LEGISLATIVE HISTORY

LEGAL AID AND ADVICE ACT

(CHAPTER 160)

This Legislative History is provided for the convenience of users of the Legal Aid and Advice Act. It is not part of the Act.

1. Ordinance 19 of 1956 — Legal Aid and Advice Ordinance 1956

Date of First Reading	: 4 April 1956 (Bill No. 50/56 published on 17 April 1956)
Date of Second and Third Readings	: 6 June 1956
Dates of commencement	: 1 July 1957 (Part I) 1 July 1958 (Parts III, IV and V, except section 29(2))

2. Ordinance 17 of 1958 — Legal Aid and Advice (Amendment) Ordinance 1958

Date of First Reading	: 22 April 1958 (Bill No. 135/58 published on 6 May 1958)
Date of Second and Third Readings	: 11 June 1958
Date of commencement	: 1 July 1958

3. Ordinance 31 of 1958 — Legislative Assembly (Presentation of Subsidiary Legislation) Ordinance 1958

Date of First Reading	: 16 July 1958 (Bill No. 158/58 published on 22 July 1958)
Date of Second Reading	: 13 August 1958
Date of Third Reading	: 10 September 1958
Date of commencement	: 25 September 1958

4. G.N. No. S 303/58 — Legal Aid and Advice (No. 2) Regulations 1958

Date of commencement	: 5 December 1958
----------------------	-------------------

5. S (N.S.) 179/59 — The Singapore Constitution (Modification of Laws) (No. 5) Order 1959

Date of commencement	: 20 November 1959
----------------------	--------------------

6. Sp. No. S 181/64 — Legal Aid and Advice Regulation 1964

Date of commencement : 30 October 1964

7. L.N. 90/65 — Modification of Laws (Legal Aid and Advice) (Singapore) Order 1965

Date of commencement : 18 March 1965

8. 1966 Reprint — Legal Aid and Advice Ordinance 1959

Date of operation : Date not available.

9. 1970 Revised Edition — Legal Aid and Advice Act (Chapter 9)

Date of operation : 1 March 1971

10. 1985 Revised Edition — Legal Aid and Advice Act (Chapter 160)

Date of operation : 30 March 1987

11. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993
(Consequential amendments made to Act by)

Date of First Reading : 26 February 1993
(Bill No. 12/93 published on
27 February 1993)

Date of Second and Third Readings : 12 April 1993

Date of commencement : 1 July 1993

12. Act 20 of 1995 — Legal Aid and Advice Act 1995

Date of First Reading : 15 March 1995
(Bill No. 15/95 published on
16 March 1995)

Date of Second and Third Readings : 7 July 1995

Date of commencement : 1 October 1995

Note: The Legal Aid and Advice Act 1995 repealed the Legal Aid and Advice Act (Chapter 160, 1985 Revised Edition).

13. 1996 Revised Edition — Legal Aid and Advice Act (Chapter 160)

Date of operation : 30 April 1996

14. G.N. No. S 135/2001 — Legal Aid and Advice Act (Amendment of Second Schedule) Notification 2001

Date of commencement : 1 April 2001

15. Act 6 of 2004 — Statutes (Miscellaneous Amendments) Act 2004

Date of First Reading : 5 January 2004
(Bill No. 4/2004 published on
6 January 2004)

Date of Second and Third Readings : 6 February 2004

Date of commencement : 8 March 2004

16. 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 (12) of the
Fifth Schedule — amendment of
Legal Aid and Advice Act)

17. G.N. No. S 310/2007 — Legal Aid and Advice Act (Amendment of Second Schedule) Notification 2007

Date of commencement : 1 July 2007

18. Act 27 of 2010 — International Child Abduction Act 2010
(Consequential amendments made to Act by)

Date of First Reading : 16 August 2010
(Bill No. 22/2010 published on
17 August 2010)

Date of Second and Third Readings : 16 September 2010

Date of commencement : 1 March 2011

19. Act 6 of 2013 — Legal Aid and Advice (Amendment) Act 2013

Date of First Reading : 14 January 2013
(Bill No. 2/2013 published on
14 January 2013)

Date of Second and Third Readings : 4 February 2013

Date of commencement : 1 July 2013

20. 2014 Revised Edition — Legal Aid and Advice Act (Chapter 160)

Date of operation : 30 April 2014

COMPARATIVE TABLE
LEGAL AID AND ADVICE ACT
(CHAPTER 160)

The following provisions in the 1996 Revised Edition of the Legal Aid and Advice Act have been renumbered by the Law Revision Commissioners in this 2014 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Legal Aid and Advice Act.

2014 Ed.	1996 Ed.
16—(4) and (5)	16—(4)
(6)	(5)
(7)	(6)