



THE STATUTES OF THE REPUBLIC OF SINGAPORE

LEGAL AID AND ADVICE ACT 1995

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Legal Aid and Advice Act 1995

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

[1 October 1995]

PART 1

PRELIMINARY

Short title

1. This Act is the Legal Aid and Advice Act 1995.

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 the minor’s guardian;

“court” means any court, tribunal or adjudicator before which or before whom any proceedings mentioned in section 5(1) or (2) 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 1993;

“Grant of Aid” means a document issued under section 8 stating that legal aid is granted to a person (whether on a provisional basis or otherwise);

“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 any proceedings, means the person (however described) who decided those proceedings;

“legal advice” has the meaning given by section 20;

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

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

[6/2013; 27/2014; 50/2018]

Director, Deputy Directors and Assistant Directors of Legal Aid, etc.

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 the Minister may consider necessary for the proper carrying out of this Act.

[50/2018]

(2) No person may be appointed to be or to act temporarily as the Director, a Deputy Director or an Assistant Director of Legal Aid unless the person is a qualified person as defined in section 2 of the Legal Profession Act 1966 or is a solicitor.

(3) The Director of Legal Aid may —

- (a) appoint such number of public officers of such qualifications and experience as the Director of Legal Aid considers appropriate, for the purpose of assisting the Director of Legal Aid, and the Deputy Directors and Assistant Directors of Legal Aid in carrying out any of their duties under this Act; and

- (b) assign to those appointed public officers duties that the Director of Legal Aid considers appropriate for the purpose mentioned in paragraph (a).

[50/2018]

(4) Despite any other written law, for the purposes of this Act, the following persons have the right to appear and plead in all courts of justice in Singapore according to the law in force in those courts:

- (a) the Director and every Deputy Director or Assistant Director of Legal Aid;
- (b) a public officer who is appointed under subsection (3), and is assigned under that subsection any duty that requires the public officer to appear and plead in those courts.

[50/2018]

Panels of solicitors

4.—(1) The Director must 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 4 of the International Child Abduction Act 2010;
- (b) to act for persons receiving legal aid under this Act or Part 4 of the International Child Abduction Act 2010; and
- (c) to give legal advice under the provisions of this Act or Part 4 of the International Child Abduction Act 2010,

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

[27/2010]

(2) The Director may appoint a solicitor to a panel mentioned in subsection (1) for a term of 3 years, or such longer or shorter period as the Director may specify in any particular case, beginning on such date as the Director may specify in the solicitor's letter of appointment.

[50/2018]

(3) Any solicitor is entitled to have his or her name on the panels or any of them unless there is good reason for excluding or removing him or her on any of the grounds under subsection (4).

[6/2013]

(4) 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 the solicitor from the panel;
- (c) if the solicitor has shown from his or her conduct when assigned to act for persons receiving legal aid or from his or her professional conduct generally that the solicitor 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]

(5) Where a solicitor is aggrieved by any decision excluding or removing the solicitor (whether permanently or temporarily) from the panels or any of them, the solicitor may appeal against the decision to the General Division of the High Court and the General Division of the High Court (whose decision is final) may confirm or quash the decision appealed against or may substitute such decision as the General Division of the High Court thinks fit.

[6/2013; 40/2019]

(6) A solicitor has the duty to disclose to the Director any information or give any opinion which may enable the Director to perform the Director's 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 is not precluded from so doing by reason of any privilege arising out of the relationship between solicitor and client.
[6/2013]

(7) Subject to any regulations made under this Act, the Director must 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 4 of the International Child Abduction Act 2010 such fees as may be agreed between the Director and the solicitor.
[27/2010]

PART 2

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 a citizen or permanent resident of Singapore in relation to any civil proceedings mentioned in Part 1 of the Schedule (not being any proceedings mentioned in Part 2 of the Schedule).

[50/2018]

(2) Despite subsection (1), the Director may authorise the giving of legal aid to a citizen or permanent resident of Singapore in relation to any proceedings mentioned in Part 2 of the Schedule, if the Director is satisfied that those proceedings are, or are likely to be, related to any civil proceedings mentioned in that subsection.

[50/2018]

(3) In deciding whether any proceedings mentioned in Part 2 of the Schedule are, or are likely to be, related to any civil proceedings mentioned in subsection (1), the Director may consider —

- (a) whether a court has ordered, or may order, that the proceedings mentioned in Part 2 of the Schedule, and the civil proceedings mentioned in subsection (1), be consolidated or tried at the same time, on the ground that some common question of fact arises in both proceedings; and

- (b) any other circumstances that may be specified in any regulations made under this Act.

[50/2018]

(4) 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]

(5) Regulations made for the purpose of this section must 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]

(6) In this section, “permanent resident” means any person who is not subject to any restrictions as to that person’s 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 or her own right or in a representative capacity) desires to be granted legal aid must make an application in that behalf to the Director.

[6/2013]

(2) An application for legal aid must be —

- (a) made in the form and manner required by the Director; and
- (b) accompanied by any documents and information required by the Director.

[50/2018]

(3) Where the person who desires to be granted legal aid is a minor, the application must be made on behalf of the minor by the minor’s guardian.

[6/2013]

- (4) Where any application is made on behalf of a minor then —
- (a) a reference in section 7 or 8(1)(b) or (2)(c) to the applicant is to be construed as a reference to the guardian and the minor jointly or to either of them severally; and
 - (b) a reference in section 8(1)(a) or (2)(b) to the applicant is, in any case where the minor is unmarried and the guardian is a relative of the minor, to be construed as a reference to both the guardian and the minor and in every other case is to be construed as a reference to the minor only.

[6/2013; 50/2018]

- (5) In subsection (4), “relative” means —
- (a) in the case of a legitimate child, any one of his or her parents;
 - (b) in the case of an adopted child, an adopting parent; and
 - (c) in the case of an illegitimate child, the mother.

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

the aided person must give to the Director, within the prescribed time after the aided person attains 21 years of age, and in the form and manner required by the Director, a written consent to continue receiving legal aid in respect of those proceedings.

[6/2013; 50/2018]

- (7) Every aided person who gives a written consent under subsection (6) is deemed to have made a fresh application for legal aid in that person’s own right.

[50/2018]

Power of Director to make inquiries

7. Where an application is made for legal aid, the Director may —
- (a) make any inquiries that the Director 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 the application; and
 - (f) defray expenses incidental to any of the matters referred to in paragraphs (a) to (e) out of any funds in the Director's control which are available for the purpose.

Grant of Aid

8.—(1) The Director may approve an application for legal aid, and issue a Grant of Aid to an applicant in connection with any proceedings, if —

- (a) the Director is of the opinion that the applicant satisfies the prescribed means criteria; and
- (b) either of the following applies:
 - (i) in any case where those proceedings are prescribed proceedings or belong to a prescribed class of proceedings — the Director is of the opinion that the applicant has reasonable grounds for taking,

defending, continuing or being a party to those proceedings;

- (ii) in any other case — a board (consisting of the Director and at least 2 solicitors on an appropriate panel of solicitors maintained under section 4) is of the opinion that the applicant has reasonable grounds for taking, defending, continuing or being a party to those proceedings.

[50/2018]

(2) Pending the determination of an application under subsection (1), the Director may despite that subsection approve an application for legal aid, and issue a Grant of Aid on a provisional basis to an applicant in connection with any proceedings, if the Director is of the opinion that the applicant —

- (a) requires legal aid as a matter of urgency;
- (b) is likely to satisfy the prescribed means criteria; and
- (c) is likely to have reasonable grounds for taking, defending, continuing or being a party to those proceedings.

[50/2018]

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

(4) Despite any provision of this Act (including any regulations made under this Act), the Minister may —

- (a) authorise the Director to issue a Grant of Aid to any person in connection with any proceedings, if the Minister is of the opinion that it is in the public interest that legal aid be granted to the person in that connection; and
- (b) direct the Director to approve an application for legal aid, and issue a Grant of Aid under subsection (1) or (2) to an applicant, even though the Director is of the opinion that the applicant does not satisfy, or is not likely to satisfy, the prescribed means criteria, if the Minister is of the opinion

that it is just and proper that legal aid be granted to the applicant.

[50/2018]

(5) For the purposes of subsection (4)(b), the Minister may authorise any person (including a panel of persons), with such qualifications and experience as the Minister considers appropriate in relation to assessing the financial circumstances of an applicant, to exercise the power under that subsection.

[50/2018]

(6) An authorisation under subsection (5) —

(a) may be subject to such conditions and restrictions as the Minister may specify in writing; and

(b) does not prevent the Minister from exercising the power under subsection (4)(b).

[50/2018]

(7) Once an authorisation is made under subsection (5), the Minister must —

(a) cause a copy of the authorisation to be given to the authorised person; and

(b) without delay cause to be published a notice of the making and giving of the authorisation in the *Gazette*.

[50/2018]

9. [Repealed by Act 50 of 2018]

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 ceases to be an aided person from the date of cancellation.

[6/2013]

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

[6/2013]

(3) Where a notification under subsection (2) is filed in a court in respect of any proceedings, the following apply unless the court (before which those proceedings are pending) orders otherwise:

- (a) all steps in those proceedings are stayed for a period of 14 days after the date on which the notification is filed;
- (b) during that period, the time fixed by or under any written law, for doing any act or taking any step in those proceedings, does not run.

[50/2018]

(4) The period mentioned in subsection (3)(a) may be reduced or extended by an order of the court.

[50/2018]

(5) The Director must take such steps as seem to the Director 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 are to apply to both such parties.

(2) The Director must not himself or herself act for either party referred to in subsection (1) but must 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 must 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 must file the Grant of Aid with the court in which the proceedings are to be taken or are pending and no fee is to 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) is not 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) is 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, and of any other document in connection with those proceedings as may be prescribed;
- (c) is not, except where express provision is made in this Act, liable for costs to any other party in any proceedings to which the Grant of Aid relates; and
- (d) is not liable to pay any deposit which would have been payable to the Official Assignee under the regulations made under section 449 of the Insolvency, Restructuring and Dissolution Act 2018, where legal aid has been granted to the aided person to commence bankruptcy proceedings against a debtor.

[6/2013; 40/2018; 50/2018]

(5) Subject to sections 13 and 22A, 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 may 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.

[50/2018]

(6) To avoid 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 22A(3) 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 —

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

[6/2013; 50/2018]

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 the Director 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) must 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 22A(1).

[6/2013; 50/2018]

(3) 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) must be refunded to the applicant or the aided person, as the case may be.

[6/2013]

(4) 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 the Director's 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 the Director may consider necessary.

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

(6) Where the Director has made any advance out of the funds in the Director's control to meet out-of-pocket expenses under subsection (4), 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 any manner that 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 any of the circumstances mentioned in subsection (3) exists in relation to an aided person, the court may order the aided person to pay the costs of all or any of the following persons:

- (a) the Director;
- (b) the solicitor who acted for the aided person;
- (c) the other party.

[50/2018]

(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) For the purposes of subsection (1), the circumstances are as follows:

- (a) the Grant of Aid issued to the aided person has been obtained by fraud or misrepresentation;
- (b) the aided person acted improperly in bringing or defending any legal proceedings, or in the conduct of those proceedings.

[50/2018]

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

[50/2018]

(5) The costs so ordered to be paid must, 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) 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 must be applied in the first instance in or towards the satisfaction of such fees, charges or sums.

[50/2018]

Legal aid not to discontinue without leave

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

(2) Any solicitor assigned to act for an aided person must not discontinue the solicitor's aid without the leave of the Director; except that any solicitor may be represented by any other solicitor.

Costs

16.—(1) Where an aided person is entitled to costs in any proceedings to which the aided person is a party —

- (a) the court must make, in favour of the aided person, such order for costs as the court would have made in favour of a person who is not an aided person; and
- (b) where costs follow the event, the aided person is entitled to the same costs as a person who is not an aided person.

[50/2018]

(2) Subsection (1) does not apply to any costs against another aided person.

[50/2018]

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

(4) For the purposes of subsection (3), the moneys recovered in respect of costs are 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.

(5) Without limiting 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.

[50/2018]

(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 must 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 must, 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 of the making of the application; and no fee is to be payable in respect of the filing of the notification.

[6/2013; 50/2018]

(2) Where a notification under subsection (1) is filed in respect of any proceedings, the following apply unless the court (before which those proceedings are pending) orders otherwise:

- (a) all steps in those proceedings are stayed for a period of 14 days after the date on which the notification is filed;
- (b) during that period, the time fixed by or under any written law, for doing any act or taking any step in those proceedings, does not run.

[50/2018]

(3) Despite subsection (2), the filing of the notification under subsection (1) does not prevent any of the following:

- (a) the making of an interlocutory order for an injunction, or for the appointment of a receiver, a manager or a receiver and manager;
- (b) the making of an order to prevent the lapse of a caveat against dealings with land;
- (c) the making of any other order which, in the opinion of the court, is necessary to prevent an irremediable injustice;
- (d) the institution or continuance of proceedings to obtain, enforce or otherwise carry into effect an order mentioned in paragraph (a), (b) or (c), unless the court orders otherwise.

[50/2018]

(4) The period mentioned in subsection (2)(a) may be reduced or extended by an order of the court.

[50/2018]

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 within the prescribed time, and the conditions for the issue of the Grant of Aid set out in section 8 are to apply.

[6/2013; 50/2018]

(2) Despite subsection (1), the Director may consider a fresh application for legal aid that is made outside the prescribed time mentioned in that subsection, if —

- (a) the aided person filed a notice of appeal in respect of the proceedings mentioned in that subsection before making that application; or
- (b) the Director is of the opinion that there are extenuating circumstances for not making that application by that prescribed time.

[50/2018]

(3) Subsection (1) does not apply to an appeal in respect of any interlocutory matter in any proceedings to which a Grant of Aid relates.

[6/2013; 50/2018]

Rules regulating practice and procedure 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 under this Act —

- (a) the Rules Committee constituted under section 80(3) of the Supreme Court of Judicature Act 1969 may make under

section 80 of that Act rules regulating the practice and procedure of any of the following courts in which proceedings may be taken by an aided person:

- (i) the Court of Appeal;
 - (ii) the General and Appellate Divisions of the High Court (other than the Family Division of the High Court);
 - (iii) any District Court;
 - (iv) any Magistrate's Court; and
- (b) the Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make under section 46 of that Act rules regulating the practice and procedure of any of the following courts in which proceedings may be taken by an aided person:
- (i) the Family Division of the High Court;
 - (ii) any Family Court;
 - (iii) any Youth Court.

[27/2014; 40/2019]

PART 3

LEGAL ADVICE

Right to and nature of legal advice

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

(2) Any legal advice under subsection (1) may consist of any of the following:

- (a) oral advice, by the Director or a solicitor whose name is on an appropriate panel of solicitors maintained under section 4, on any matter that may result in any proceedings for which legal aid may be given;

(b) advice and assistance in preparing legal documents for purposes that are not related to any proceedings for which legal aid may be given;

(c) any other matter that may be prescribed,

but does not include any advice, assistance or other matter in respect of any law that is not the law of Singapore.

[50/2018]

(3) Provision may be made by regulations made under this Act for further defining or restricting the matters for 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.

[50/2018]

(4) A person seeking legal advice must apply to the Director, and must satisfy the Director that the person cannot afford to obtain the legal advice in the ordinary way.

[16/2016]

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

[6/2013]

PART 4

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 the person's application for legal aid or legal advice;

(b) fails to make full and frank disclosure of the person's means; or

- (c) fails to inform the Director of any changes to the person's means or circumstances which may render the person 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 the solicitor's professional employment are to 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 the aided person 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) Despite anything in subsection (1), the privileges mentioned in that subsection are not to 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 under this Act otherwise provide, the rights conferred by this Act on a person receiving legal aid or advice (as the case may be) are not to 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]

Contributions

22A.—(1) The Director may require a person to make one or more contributions, in a lump sum or by instalments, in respect of any

matter for which an application for legal aid or legal advice has been made by that person.

[50/2018]

(2) Where an application mentioned in subsection (1) is made on behalf of a minor by the minor's guardian, a reference in subsection (1) to a person is a reference to —

- (a) in any case where the minor is unmarried and the guardian is a relative (within the meaning of section 6(5)) of the minor — both the guardian and the minor; and
- (b) in any other case — the minor only.

[50/2018]

(3) Unless the regulations made under this Act 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, is a first charge on any property that is recovered or preserved for that person in the proceedings connected to the matter, in favour of any fund established under this Act.

[50/2018]

(4) For the purposes of subsection (3), a reference to any property recovered or preserved for a person in any proceedings includes a reference to both of the following:

- (a) the person's rights under any settlement or compromise to avoid, or to end, those proceedings;
- (b) any sums recovered by the person as damages or costs under an order made in the person's favour in those proceedings (other than any sums payable to the Director under section 14 or 16).

[50/2018]

(5) The charge under subsection (3) does not prevent a court from allowing any damages or costs mentioned in subsection (4)(b) that are recovered by a person to be set off against any damages or costs awarded against that person, in any case where a solicitor's lien for costs would not prevent the court from allowing that set off.

[50/2018]

(6) The Director may, in the Director's discretion, reduce any contribution, or waive or refund the whole or any part of any contribution, that a person is required to pay under subsection (1).

[50/2018]

Regulations

23.—(1) The Minister may make regulations for prescribing all matters that this Act requires or permits to be prescribed, or that are necessary or expedient for carrying out or giving effect to this Act.

[50/2018]

- (2) Without limiting 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) prescribe fees for applications under this Act, and provide for the remission of any such fees;
 - (d) make provision as to the cases in which a person may be refused legal aid or advice by reason of the person's conduct when seeking or receiving legal aid or advice (whether in the same or related matter or in a different matter);
 - (e) make provision as to the circumstances a Grant of Aid issued to a person may be cancelled;
 - (f) 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 the solicitor's performance of any duties imposed on the solicitor by regulations made for the purposes of this paragraph;

- (g) make any provision necessary to meet the special circumstances where —
- (i) a person is issued a Grant of Aid on a provisional basis;
 - (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;
- (h) provide for the period when a Grant of Aid issued on a provisional basis is in force, and for matters relating to the lapse or extension of such Grant of Aid; and
- (i) provide for any forms to be used under this Act.

[6/2013; 16/2016; 50/2018]

(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) 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 2010.

[27/2010]

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

(6) The powers conferred by this section do not extend to any matter for which Rules of Court or Family Justice Rules may be made under section 19.

[50/2018]

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

THE SCHEDULE

Section 5(1), (2) and (3)

CIVIL PROCEEDINGS FOR WHICH LEGAL AID MAY BE GIVEN

PART 1

DESCRIPTION OF PROCEEDINGS

1. Proceedings in the General Division of the High Court, the Appellate Division of the High Court and the Court of Appeal.
2. Proceedings in Family Courts, 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 Family Court or District Court.
5. Proceedings under the Women's Charter 1961.
6. Proceedings before the Syariah Court and the Appeal Board under the Administration of Muslim Law Act 1966.
7. Proceedings before the Commissioner for Labour under the Work Injury Compensation Act 2019 or the Work Injury Compensation Act (Cap. 354, 2009 Revised Edition) repealed by that Act.

PART 2

PROCEEDINGS FOR WHICH LEGAL AID IS
GENERALLY NOT GIVEN

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 1954 or the Presidential Elections Act 1991.

THE SCHEDULE — *continued*

4. In a Family Court or 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 or her of a debt (including liquidated damages) and costs.

5. Proceedings incidental to any proceedings mentioned in this Part.

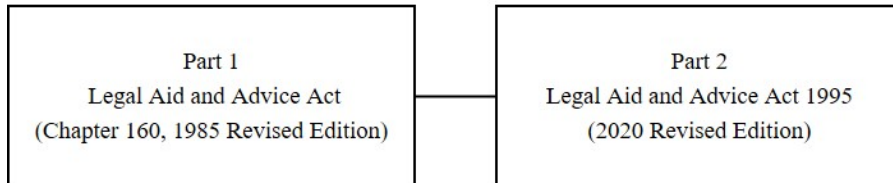
[42/2005; 6/2013; 27/2014; 50/2018; 27/2019; 40/2019]

LEGISLATIVE HISTORY

LEGAL AID AND ADVICE ACT 1995

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1 LEGAL AID AND ADVICE ACT (CHAPTER 160, 1985 REVISED EDITION)

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

Bill	:	50/1956
First Reading	:	4 April 1956
Second Reading	:	6 June 1956
Notice of Amendments	:	6 June 1956
Third Reading	:	6 June 1956
Commencement	:	1 July 1957 (Part I) 1 July 1958 (Parts III and IV and Part V, except section 29(2))

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

Bill	:	135/1958
First Reading	:	22 April 1958
Second Reading	:	11 June 1958
Notice of Amendments	:	11 June 1958
Third Reading	:	11 June 1958
Commencement	:	1 July 1958

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

(Amendments made by section 2 read with the Schedule to the above Ordinance)

Bill	:	158/1958
First Reading	:	16 July 1958
Second Reading	:	13 August 1958
Notice of Amendments	:	10 September 1958
Third Reading	:	10 September 1958
Commencement	:	25 September 1958 (section 2 read with the Schedule)

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

Commencement	:	5 December 1958
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5. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959

Commencement	:	20 November 1959
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6. G.N. Sp. No. S 181/1964 — Legal Aid and Advice Regulations, 1964

Commencement	:	30 October 1964
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7. L.N. 90/1965 (G.N. Sp. No. S 50/1965) — Modification of Laws (Legal Aid and Advice) (Singapore) Order, 1965

Commencement	:	18 March 1965
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8. 1966 Reprint — Legal Aid and Advice Ordinance, 1956

Reprint	:	16 November 1966
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9. 1970 Revised Edition — Legal Aid and Advice Act (Chapter 9)

Operation	:	1 March 1971
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10. 1985 Revised Edition — Legal Aid and Advice Act (Chapter 160)

Operation	:	30 March 1987
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11. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993
(Amendments made by section 29(5) read with item (8) of the Schedule to the above Act)

Bill	:	12/1993
First Reading	:	26 February 1993

Second and Third Readings	:	12 April 1993
Notice of Amendments	:	12 April 1993
Third Reading	:	12 April 1993
Commencement	:	1 July 1993 (section 29(5) read with item (8) of the Schedule)

PART 2
LEGAL AID AND ADVICE ACT 1995
(2020 REVISED EDITION)

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

Bill	:	15/1995
First Reading	:	15 March 1995
Second Reading	:	7 July 1995
Notice of Amendments	:	7 July 1995
Third Reading	:	7 July 1995
Commencement	:	1 October 1995

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

Operation	:	30 April 1996
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14. G.N. No. S 135/2001 — Legal Aid and Advice Act (Amendment of Second Schedule) Notification 2001

Commencement	:	1 April 2001
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15. Act 6 of 2004 — Statutes (Miscellaneous Amendments) Act 2004
(Amendments made by section 6 of the above Act)

Bill	:	4/2004
First Reading	:	5 January 2004
Second and Third Readings	:	6 February 2004
Commencement	:	8 March 2004 (section 6)

16. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005
(Amendments made by section 5 read with item (19) of the First Schedule and section 7 read with item (12) of the Fifth Schedule to the above Act)

Bill	:	30/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005

Commencement : 1 January 2006 (section 5 read with item (19) of the First Schedule and section 7 read with item (12) of the Fifth Schedule)

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

Commencement : 1 July 2007

18. Act 27 of 2010 — International Child Abduction Act 2010
(Amendments made by section 25 of the above Act)

Bill : 22/2010

First Reading : 16 August 2010

Second and Third Readings : 16 September 2010

Commencement : 1 March 2011 (section 25)

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

Bill : 2/2013

First Reading : 14 January 2013

Second and Third Readings : 4 February 2013

Commencement : 1 July 2013

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

Operation : 30 April 2014

21. Act 27 of 2014 — Family Justice Act 2014

(Amendments made by section 61 of the above Act)

Bill : 21/2014

First Reading : 8 July 2014

Second Reading : 4 August 2014

Notice of Amendments : 4 August 2014

Third Reading : 4 August 2014

Commencement : 1 October 2014 (section 61)

22. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016
(Amendments made by section 15 of the above Act)

Bill : 15/2016

First Reading : 14 April 2016

Second and Third Readings	:	9 May 2016
Commencement	:	10 June 2016 (section 15)

23. Act 50 of 2018 — Legal Aid and Advice (Amendment) Act 2018

Bill	:	42/2018
First Reading	:	1 October 2018
Second and Third Readings	:	19 November 2018
Commencement	:	31 May 2019 (except sections 2(<i>b</i>), 6(2), 7, 18(<i>b</i>), (<i>c</i>) and (<i>d</i>), 19, 21 and 22(1) to (5)) 16 October 2019 (sections 2(<i>b</i>), 6(2), 7, 18(<i>b</i>), (<i>c</i>) and (<i>d</i>), 19, 21 and 22(1), (2), (3), (4) and (5))

24. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018
(Amendments made by section 487 of the above Act)

Bill	:	32/2018
First Reading	:	10 September 2018
Second and Third Readings	:	1 October 2018
Commencement	:	30 July 2020 (section 487)

25. Act 27 of 2019 — Work Injury Compensation Act 2019
(Amendments made by section 83(8)(*f*) of the above Act)

Bill	:	21/2019
First Reading	:	5 August 2019
Second and Third Readings	:	3 September 2019
Commencement	:	1 September 2020 (section 83(8)(<i>f</i>))

26. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 86 of the Schedule to the
above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019

Commencement : 2 January 2021 (section 28(1) read
with item 86 of the Schedule)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
LEGAL AID AND ADVICE ACT 1995

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2014 Ed.
4—(2)	4—(1A)
(3)	(2)
(4)	(2A)
(5)	(3)
(6)	(4)
(7)	(5)
5—(2)	5—(1A)
(3)	(1B)
(4)	(2)
(5)	(3)
(6)	(4)
6—(2)	6—(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
13—(3)	13—(2A)
(4)	(3)
(5)	(4)
(6)	(5)
16—(2)	16—(1A)
(3)	(2)
(4)	(3)

2020 Ed.	2014 Ed.
—	(4) [<i>Deleted by Act 50 of 2018</i>]
—	(5) [<i>Deleted by Act 50 of 2018</i>]
(5)	(6)
(6)	(7)
18—(2)	18—(1A)
(3)	(2)
23—(4)	23—(3A)
(5)	(4)
(6)	(4A)
(7)	(5)
—	24 [<i>Repealed by Act 50 of 2018</i>]
—	25 [<i>Repealed by Act 16 of 2016</i>]
THE SCHEDULE	FIRST SCHEDULE
—	SECOND SCHEDULE [<i>Repealed by Act 50 of 2018</i>]