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## No. S 215

### LEGAL AID AND ADVICE ACT 1995

#### LEGAL AID AND ADVICE (AMENDMENT) REGULATIONS 2025

In exercise of the powers conferred by section 23 of the Legal Aid and Advice Act 1995, the Minister for Law makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Legal Aid and Advice (Amendment) Regulations 2025 and come into operation on 1 April 2025.

#### **Amendment of regulation 2**

2. In the Legal Aid and Advice Regulations (Rg 1) (called in these Regulations the principal Regulations), in regulation 2, delete the definition of “Fund”.

#### **Deletion of regulation 2A**

3. In the principal Regulations, delete regulation 2A.

#### **New regulation 4A**

4. In the principal Regulations, after regulation 4, insert —

#### **“Other prescribed criteria to be professional deputy**

**4A.—**(1) For the purposes of section 6A(5)(b) of the Act, the other prescribed criteria that a person must meet to be a professional deputy are all of the following:

- (a) the person is a citizen or permanent resident of Singapore;
- (b) the person has attained 21 years of age;

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- (c) the person is not a bankrupt or discharged bankrupt, and does not have any pending bankruptcy proceedings against him;
  - (d) the person has not had a judgment entered against him, and does not have a claim made against him, in any specified civil proceeding (whether before, on or after 1 April 2025);
  - (e) the person has not been convicted (whether before, on or after 1 April 2025) of any specified offence, and does not have any pending criminal proceeding against him in respect of any specified offence;
  - (f) the person is not related to *P*, for whom the person intends to make an application for legal aid.

(2) In paragraph (1) —

“*P*” means a person who lacks capacity as mentioned in section 6A(1)(a) of the Act;

“related”, in relation to *P*, means related to *P* by an adoption order, blood or marriage;

“specified civil proceeding”, in relation to a person, means a civil proceeding (whether in Singapore or elsewhere) involving an allegation against the person of deceit, fraud or fraudulent misrepresentation, breach of fiduciary duty or breach of trust;

“specified offence” means —

- (a) an offence of criminal misappropriation, criminal breach of trust, cheating, theft or extortion or any other offence involving fraud or dishonesty;
- (b) an offence specified in Chapter 8, 14 or 16 of the Penal Code 1871;
- (c) an offence specified in the Public Order Act 2009 or in Part 3 of the Miscellaneous Offences (Public Order and Nuisance) Act 1906; or

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- (d) an offence under a law of a foreign territory similar to an offence mentioned in paragraph (a), (b) or (c).”.

### **Amendment of regulation 8**

5. In the principal Regulations, in regulation 8 —

(a) in paragraph (1), replace sub-paragraphs (e) to (h) with —

“(d) if the Director has reasonable grounds to suspect that the aided person has committed, is committing, or is attempting to commit, an offence under section 21 of the Act;

(e) if, as a result of a further determination, the Director is satisfied that —

(i) the aided person does not satisfy the means criteria set out in the First Schedule; or

(ii) where the aided person is a professional deputy in relation to *P* (as defined in regulation 4A(2)) — *P* does not satisfy the means criteria set out in the First Schedule for the purposes of section 6A(2)(b) (read with section 8(1)(a)) of the Act;

(f) if the Director is satisfied that the aided person has died;

(g) if the Director is satisfied that the aided person has had a bankruptcy order made against the aided person, whether in Singapore or elsewhere;

(h) where the Grant of Aid was issued to an aided person who is a professional deputy in relation to *P* (as defined in regulation 4A(2)) — if the Director is satisfied that the aided person no longer

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meets the criteria set out in section 6A(5)(a) of the Act or regulation 4A(1) to continue to be a professional deputy in relation to *P*; or”;

- (b) in paragraph (1A)(a)(i), replace “which will be paid out of moneys in the Fund” with “that should not be borne by the Grant of Aid issued to the aided person”; and
- (c) in paragraph (2), replace “paragraph (1)(e), (f) or (i)” with “paragraph (1)(d), (e), (h) or (i)”.

### **Amendment of regulation 9**

6. In the principal Regulations, in regulation 9(3) —

- (a) in sub-paragraph (a), replace “taxed or, as the case may be, assessed in accordance with these Regulations” with “assessed by the court and, if applicable, assessed in accordance with regulation 15”;
- (b) in sub-paragraph (b), replace “Fund” with “Director”; and
- (c) in sub-paragraph (b), delete “taxed or”.

### **Amendment of regulation 10**

7. In the principal Regulations, in regulation 10 —

- (a) in paragraph (1), replace “Fund shall only be liable to” with “Director is only liable to pay”;
- (b) in paragraph (3)(a), replace “taxation” with “assessment”;
- (c) in paragraph (3)(a), after “Rules of Court (Cap. 322, R 5) or the Family Justice Rules 2014 (G.N. No. S 813/2014)”, insert “or any Rules of Court or any Family Justice Rules, as the case may be”;
- (d) in paragraph (4)(c), replace “, for which there is a first charge” with “that may be deducted from any property recovered or preserved for the aided person”; and
- (e) replace paragraph (5) with —

“(5) If the available sum is less than the total of —

- (a) the amount of the solicitor’s costs; and
- (b) the aggregate amount of B and C mentioned in paragraph (4)(b) and (c) owing to the Director,

the Director must divide the available sum in proportion to the respective amounts owing to the solicitor and the Director.”.

### **Amendment of regulation 12**

8. In the principal Regulations, in regulation 12 —

- (a) in paragraphs (2) and (6), replace “taxation” with “assessment of costs”; and
- (b) in paragraph (7), replace “to the Fund” with “that should not be borne by the Grant of Aid”.

### **Amendment of regulation 14**

9. In the principal Regulations, in regulation 14 —

- (a) in paragraph (3)(a), replace “pay to the Fund or” with “retain or pay to”; and
- (b) in paragraph (4)(a), replace “there is a first charge on the property for the benefit of the Fund” with “any sum remaining unpaid on account of the aided person’s contribution may be deducted from the property so recovered or preserved”.

### **Amendment of regulation 15**

10. In the principal Regulations, in regulation 15 —

- (a) in paragraphs (1), (2) and (3), replace “taxation” wherever it appears with “assessment”;
- (b) in paragraphs (2), (3) and (4), replace “taxed” wherever it appears with “assessed”; and

(c) in paragraph (4), replace “a taxation” with “an assessment of costs”.

### **Amendment of First Schedule**

11. In the principal Regulations, in the First Schedule, in the Schedule reference, replace “8(1)(f)” with “8(1)(e)”.

### **Amendment of Second Schedule**

12. In the principal Regulations, in the Second Schedule, in paragraph 1, replace sub-paragraphs (c) and (d) with —

- “(c) proceedings for an appointment as a deputy under section 20(2)(b) of the Mental Capacity Act 2008;
- (d) proceedings to vary or amend an order made under section 20(2)(b) of the Mental Capacity Act 2008;
- (e) proceedings for grant of letters of administration or grant of probate under the Probate and Administration Act 1934;
- (f) proceedings for a divorce under the Women’s Charter 1961;
- (g) proceedings to vary an order made under Part 10 of the Women’s Charter 1961 when granting or subsequent to the grant of a judgment of divorce.”.

*[G.N. Nos. S 299/2002; S 428/2003; S 399/2005;  
S 309/2007; S 612/2012; S 355/2013; S 150/2014;  
S 271/2016; S 400/2019; S 692/2019; S 1050/2020;  
S 235/2024; S 615/2024; S 799/2024]*

Made on 27 March 2025.

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[AG/LEGIS/SL/160/2020/2]

(To be presented to Parliament under section 23(7) of the Legal Aid and Advice Act 1995).