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LEGAL AID AND ADVICE ACT
(CHAPTER 160)

LEGAL AID AND ADVICE
(AMENDMENT) REGULATIONS 2013

In exercise of the powers conferred by section 23(1) of the Legal Aid and Advice Act, the Minister for Law hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Aid and Advice (Amendment) Regulations 2013 and shall come into operation on 1st July 2013.

Amendment of regulation 2

2. Regulation 2 of the Legal Aid and Advice Regulations (Rg 1) (referred to in these Regulations as the principal Regulations) is amended by deleting the definition of “legal aid certificate” and substituting the following definition:

““Grant of Aid” includes a Provisional Grant of Aid issued under regulation 7.”.

New regulation 2AA

3. The principal Regulations are amended by inserting, immediately after regulation 2, the following regulation:

“Prescribed fees

2AA.—(1) For the purposes of section 6(1A) of the Act, the prescribed fee for an application for legal aid shall be \$1.

(2) For the purposes of section 20(4)(b) of the Act, the prescribed fee for an application for legal advice shall be \$1.”.

Amendment of regulation 4

4. Regulation 4 of the principal Regulations is amended —
- (a) by inserting, immediately after the word “applicant” in paragraph (2)(b), the words “and the minor, where appropriate”; and
 - (b) by deleting the word “notices” in paragraph (5) and substituting the word “documents”.

Deletion and substitution of regulation 7

5. Regulation 7 of the principal Regulations is deleted and the following regulation substituted therefor:

“Provisional Grant of Aid

7.—(1) If the Director is of the opinion that a person requires legal aid as a matter of urgency, the Director may, subject to the provisions of this regulation, issue a Grant of Aid (referred to in this regulation as a Provisional Grant of Aid) without reference to the board.

(2) An applicant for a Provisional Grant of Aid shall —

- (a) give such information as may be necessary to enable the Director to determine whether —
 - (i) the applicant is likely to fulfill the conditions under which legal aid may be granted under the Act and these Regulations; and
 - (ii) it is in the interests of justice that the applicant should, as a matter of urgency, be granted legal aid; and
- (b) furnish such additional information and documents (if any) as the Director may require.

(3) If it appears to the Director that the applicant cannot at the time of the application reasonably furnish all or some of the information, the Director may, in his discretion, issue a Provisional Grant of Aid subject to any condition that the Director may impose on the furnishing of additional information.

(4) A Provisional Grant of Aid issued by the Director shall be in Form 4 set out in the Schedule.

(5) A Provisional Grant of Aid shall —

- (a) remain in force for a period of 3 months or such further period not exceeding 3 months as the Director may allow; and
- (b) unless within that period the Director issues a Grant of Aid to the applicant in respect of the proceedings to which the Provisional Grant of Aid relates, cease to have effect at the end of that period.

(6) Notwithstanding paragraph (5), where it appears to the board that the circumstances of any particular application so warrant, the board may, from time to time, extend a Provisional Grant of Aid for such further period or periods as it thinks fit.

(7) If, within any period during which a Provisional Grant of Aid is in force, the board refuses the application for a Grant of Aid, the Director shall forthwith cancel the Provisional Grant of Aid.

(8) The Director shall forthwith notify all parties concerned, if a Provisional Grant of Aid —

- (a) is cancelled; or
- (b) is extended.”.

Amendment of regulation 8

6. Regulation 8 of the principal Regulations is amended —

(a) by deleting sub-paragraph (b) of paragraph (1) and substituting the following sub-paragraph:

“(b) where an aided person has been required to make —

- (i) a contribution under section 9(1) of the Act;
- (ii) a deposit in respect of out-of-pocket expenses under section 13(1) of the Act; or
- (iii) a repayment of any amount expended or advanced by the Director to meet out-of-pocket expenses under section 13(5) of the Act,

and any payment in respect thereof is more than 30 days in arrears;”;

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- (b) by deleting the words “and the probable cost which might reasonably be incurred by him in continuing the proceedings, otherwise than as an aided person, would not exceed the maximum contribution payable under the determination” in paragraph (1)(f)(ii);
 - (c) by deleting the word “or” at the end of paragraph (1)(g);
 - (d) by deleting the full-stop at the end of sub-paragraph (h) of paragraph (1) and substituting the word “; or”, and by inserting immediately thereafter the following sub-paragraph:
 - “(i) if the Director is satisfied that the aided person has breached any of the terms upon which a Grant of Aid was issued to him.”;
 - (e) by deleting the words “paragraph (1)(d), (e), (f) or (g)” in paragraph (2) and substituting the words “paragraph (1)(d), (e), (f), (g) or (i)”;
 - (f) by deleting the words “Form 6” in paragraph (6) and substituting the words “Form 5”.

Amendment of regulation 11

7. Regulation 11 of the principal Regulations is amended —

- (a) by deleting the words “on more than 4 occasions” in paragraph (1) and substituting the words “, or has had his Grant of Aid cancelled, on a total of 3 or more occasions”; and
- (b) by deleting paragraph (2) and substituting the following paragraph:
 - “(2) This regulation shall apply to an application for legal aid made by any person on behalf of a minor.”.

Amendment of regulation 12

8. Regulation 12 of the principal Regulations is amended by deleting paragraph (11).

Deletion and substitution of regulations 13, 14 and 15

9. Regulations 13, 14 and 15 of the principal Regulations are deleted and the following regulations substituted therefor:

“Service of documents

13.—(1) Any document required to be served under any provision of the Act or these Regulations shall be served either personally or by registered post to the last known address of the person required to be served.

(2) Whenever an aided person becomes a party to proceedings, or a party to proceedings becomes an aided person, the Director shall forthwith serve a copy of any Grant of Aid or Provisional Grant of Aid issued by the Director on every other party to the proceedings.

(3) A copy of any document referred to in this regulation shall be filed with the appropriate court and shall form part of the papers for use at the trial.

Procedure relating to moneys payable to aided persons

14.—(1) Subject to paragraphs (2) and (7), all moneys payable to an aided person —

(a) by virtue of any order or agreement made in connection with the action, cause or matter to which his Grant of Aid relates, whether the agreement be made before or after proceedings are actually begun; or

(b) being moneys paid into court by any party and which are due or accruing due to the aided person in any proceedings to which his Grant of Aid relates,

shall be paid or repaid, as the case may be, to the Director and no other person shall be capable of giving a good discharge for moneys so payable.

(2) Where the Director is satisfied that the moneys payable to him under paragraph (1) are in excess of the total amount to be paid or retained by him under paragraph (3), the Director may approve that the whole or any part of such excess be paid to the aided person directly.

(3) Upon receiving any moneys payable to him under paragraph (1), the Director shall —

- (a) pay to the Fund or the aided person's solicitor, as the case may be, the costs of the proceedings as determined under regulation 15;
- (b) retain any sum paid pursuant to an order or agreement for costs made in the aided person's favour;
- (c) retain a sum equal to the amount (if any) remaining unpaid in respect of any contribution under section 9(1) of the Act or any amount expended or advanced to meet out-of-pocket expenses under section 13(5) of the Act;
- (d) retain any costs of proceedings taken by the Director under paragraph (4)(ii), in so far as such costs have not been recovered from the person against whom the proceedings have been taken; and
- (e) pay the net balance of the moneys to the aided person.

(4) Where in any proceedings to which an aided person is a party —

- (a) an order or agreement is made providing for the recovery or preservation of property for the benefit of the aided person and, by virtue of section 9 of the Act, there is a first charge on the property for the benefit of the Fund; or
- (b) an order or agreement is made for the payment of costs to the aided person,

the Director may —

- (i) require the aided person to take such proceedings, being proceedings which may be taken under section 5 of the Act, as may be necessary to enforce or give effect to the order or agreement; or
- (ii) proceed to enforce any such order or agreement for the payment of money by the issue in his name of such proceedings referred to in sub-paragraph (i) as the Director deems fit in any court, without reference to the aided person, if the aided person fails, refuses or is unable to take those proceedings or the Director is of the opinion that it is reasonable and expedient to

do so having regard to the probable cost of proceedings and the likelihood of their being successful.

(5) Nothing in these Regulations shall be taken to require a Grant of Aid to be issued for the purposes of enforcement proceedings brought in the name of the Director pursuant to paragraph (4)(ii).

(6) The Director may defer the payment to an aided person's solicitor of the solicitor's costs in connection with the proceedings until the Director has, in his opinion, given effect to this regulation.

(7) This regulation shall not apply to any moneys payable under section 68, 69 or 70, or Chapters 4, 4A and 5 of Part X, of the Women's Charter (Cap. 353), and for the purpose of section 9(2) of the Act, "property" shall not be taken as including any moneys so payable.

Costs payable to solicitors

15.—(1) The sums allowed to a solicitor —

- (a) in connection with proceedings in any court; or
- (b) where there are no proceedings in any court, for investigating and reporting or giving an opinion upon an application for the grant of legal aid or giving legal advice,

shall be the full amount allowed on taxation of the costs on account of disbursements and 50% of the amount so allowed on account of solicitor and client costs, except that where the sum claimed by a solicitor who has been assigned cases by the Director on account of solicitor and client costs (including disbursements) does not exceed \$1,000, the Director may, in his discretion, approve the payment of the costs without taxation.

(2) Where in any proceedings to which an aided person is a party, proceedings are, or have been, brought to an end without a direction having been given as to the aided person's costs being taxed as between solicitor and client in accordance with paragraph (1)(a), the aided person's costs shall be so taxed —

- (a) in the court in which the proceedings were heard; or

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- (b) if the court in which the proceedings were heard has no power to award costs, then —
- (i) in the case of a claim for costs not exceeding \$50,000, in the Subordinate Courts; or
 - (ii) in the case of a claim for costs exceeding \$50,000, in the High Court,

and the costs of the taxation shall be deemed to be costs in the proceedings to which the Grant of Aid relates.

(3) Where there are no proceedings in any court, the aided person's costs shall be taxed —

- (a) in the case of a claim for costs not exceeding \$50,000, in the Subordinate Courts; or
- (b) in the case of a claim for costs exceeding \$50,000, in the High Court,

and the costs of the taxation shall be deemed to be costs in the proceedings to which the Grant of Aid relates.

(4) For the purpose of paragraph (1), costs shall be taxed according to the ordinary rules applicable on a taxation between solicitor and client where the costs are to be paid out of a common fund in which the client and others are interested, except that no question shall be raised as to the propriety of any act for which prior approval was obtained under these Regulations.

(5) The sum payable to members of the board other than the Director shall be \$50 for each sitting.

(6) Notwithstanding paragraphs (1) to (5), where the Director, by way of a tender system or otherwise, enters into any agreement with any solicitor to engage the services of the solicitor and to assign cases to him, the agreement may provide for the payment of solicitor and client costs (including disbursements) to the solicitor at such rates as may be agreed between the Director and the solicitor.”.

Deletion of regulation 16

10. Regulation 16 of the principal Regulations is deleted.

Amendment of Schedule

11. The Schedule to the principal Regulations is amended —

- (a) by deleting the words “AN INFANT” in the heading to Form 2 and substituting the words “A MINOR”;
- (b) by deleting the following words under the heading “SPECIAL NOTICE TO APPLICANTS” in Forms 1 and 2:

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

and substituting in each case the following words:

““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.””;

and

(c) by deleting Forms 3 to 7 and substituting the following Forms:

“FORM 3

Regulation 5(5)

LEGAL AID AND ADVICE ACT
(CHAPTER 160)

LEGAL AID AND ADVICE REGULATIONS

GRANT OF AID

Legal aid has been granted to [state name and NRIC No. of party] (“the aided person”), pursuant to section 8 of the Legal Aid and Advice Act.

Date of Grant: [state the date].

Proceedings under the Grant: [state the relevant proceedings].

The aided person shall be represented by the Director of Legal Aid/[state name of assigned solicitor] of [state law firm and address]*.

.....
Director of Legal Aid

*Delete where inapplicable.

FORM 4

Regulation 7(4)

LEGAL AID AND ADVICE ACT
(CHAPTER 160)

LEGAL AID AND ADVICE REGULATIONS

PROVISIONAL GRANT OF AID

Legal aid has been provisionally granted to [state name and NRIC No. of party] (“the aided person”), pursuant to section 8 of the Legal Aid and Advice Act.

Date of issue of Provisional Grant: [state the date].

Date of commencement and period of extension of Provisional Grant*: [state the date(s)].

Proceedings under the Provisional Grant: [state the relevant proceedings].

The aided person shall be represented by the Director of Legal Aid/[state name of assigned solicitor] of [state law firm and address]*.

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Director of Legal Aid

Note: This Grant is valid for a maximum of 6 months from the date of issue or, if the Grant is extended, for such longer period as may be stated above.

*Delete where inapplicable.

FORM 5

Regulation 8(6)

LEGAL AID AND ADVICE ACT
(CHAPTER 160)

LEGAL AID AND ADVICE REGULATIONS

CANCELLATION OF PROVISIONAL* GRANT OF AID AND
NOTICE OF CEASING TO ACT

To the Registrar

TAKE NOTICE that:

- (a) The Provisional* Grant of Aid dated [*state the date*] has been cancelled.
- (b) The Director of Legal Aid and* [*state name of assigned solicitor of (state law firm and address)*] has/have* ceased to act as the solicitors of the abovenamed [*state the party e.g. Plaintiff/Defendant*] in this action.

The address for service of the abovenamed [*state the party*] is [*state the last known address of the party*].

Dated this day of 20.....

.....
Director of Legal Aid

*Delete where inapplicable. ”.

Miscellaneous amendments

12. The principal Regulations are amended —

- (a) by deleting the words “legal aid certificate should be granted” in regulations 3(2)(a)(ii) and 4(2)(a)(ii) and substituting in each case the words “Grant of Aid should be issued”;
- (b) by deleting the marginal note to regulation 3 and inserting the following regulation heading:
 “Application for Grant of Aid”;
- (c) by deleting the words “an infant” in regulation 4(1), (2) and (3) and substituting in each case the words “a minor”;

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- (d) by deleting the words “the infant” wherever they appear in regulation 4(1), (4) and (5) and substituting in each case the words “the minor”;
- (e) by deleting the words “legal aid certificate” wherever they appear in the following provisions and substituting in each case the words “Grant of Aid”:
Regulations 4(3), (4) and (5), 5(1) to (5), 6, 8(1), (2) and (4) to (7), 9(1), (2), (4) and (5), 10(1) and (2), 11(1) and 12(2);
- (f) by deleting the words “the certificate” wherever they appear in the following provisions and substituting in each case the words “the Grant”:
Regulations 4(4) and (5), 5(3) and (5), 6(a) and (b), 8(1)(c), (2) and (4), 9(1), (2), (3)(a) and (5), 10(2) and 12(10);
- (g) by deleting the marginal note to regulation 4 and inserting the following regulation heading:
“Application for legal aid for minor”;
- (h) by deleting the marginal note to regulation 5 and inserting the following regulation heading:
“Proceedings to which Grant of Aid may relate”;
- (i) by deleting the words “regulation 14(3)” in regulation 6(b)(i) and substituting the words “regulation 14(4)”;
- (j) by deleting the marginal note to regulation 6 and inserting the following regulation heading:
“Amendment of Grant of Aid”;
- (k) by deleting the marginal note to regulation 8 and inserting the following regulation heading:
“Cancellation of Grant of Aid”;
- (l) by deleting the words “whose certificate” in regulation 9(4) and substituting the words “whose Grant”;
- (m) by deleting the words “cancelled certificate” in regulation 9(4) and substituting the words “cancelled Grant”;
- (n) by deleting the marginal note to regulation 9 and inserting the following regulation heading:
“Effect of cancellation of Grant of Aid”; and

(o) by deleting the marginal note to regulation 11 and inserting the following regulation heading:

“Refusal of Grant of Aid”.

Transitional provision

13. Notwithstanding anything in these Regulations, every emergency certificate issued under the principal Regulations in force immediately before 1st July 2013 shall continue to have the same force and effect on such terms as it was issued, as if these Regulations had not been made.

[G.N. Nos. S 299/2002; S 428/2003; S 399/2005; S 309/2007; S 612/2012]

Made this 17th day of June 2013.

BEH SWAN GIN
*Permanent Secretary,
Ministry of Law,
Singapore.*

[Law 06/011/019 Vol. 8; AG/LLRD/SL/160/2010/1 Vol. 2]

(To be presented to Parliament under section 23(5) of the Legal Aid and Advice Act).