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## **No. S 400**

### **LEGAL AID AND ADVICE ACT (CHAPTER 160)**

### **LEGAL AID AND ADVICE (AMENDMENT) REGULATIONS 2019**

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

#### **Citation and commencement**

1. These Regulations are the Legal Aid and Advice (Amendment) Regulations 2019 and come into operation on 31 May 2019.

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

2. Regulation 2 of the Legal Aid and Advice Regulations (Rg 1) (called in these Regulations the principal Regulations) is amended by deleting the full-stop at the end of the definition of “Grant of Aid” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““working day” means any day other than a Saturday, Sunday or public holiday.”.

#### **Deletion of regulation 3**

3. Regulation 3 of the principal Regulations is deleted.

#### **Amendment of regulation 4**

4. Regulation 4 of the principal Regulations is amended —

(a) by deleting paragraphs (1) and (2); and

(b) by inserting, immediately after paragraph (5), the following paragraph:

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“(6) For the purposes of section 6(5) of the Act, the prescribed time is 6 months.”

### **Amendment of regulation 5**

5. Regulation 5 of the principal Regulations is amended —

- (a) by deleting the words “regulation 14(3)” in paragraph (2) and substituting the words “regulation 14(4)”; and
- (b) by deleting the words “in Form 3 set out in the Schedule” in paragraph (5).

### **Amendment of regulation 7**

6. Regulation 7 of the principal Regulations is amended by deleting paragraph (4).

### **Amendment of regulation 8**

7. Regulation 8(6) of the principal Regulations is amended by deleting the words “in Form 5 set out in the Schedule”.

### **Amendment of regulation 10**

8. Regulation 10 of the principal Regulations is amended by deleting paragraphs (3) and (4) and substituting the following paragraphs:

“(3) Subject to this regulation, the Director must pay to the solicitor mentioned in paragraph (2) either of the following as the solicitor’s costs:

- (a) the costs payable to the solicitor by his own client under an order for taxation of such costs by the court under the Rules of Court (Cap. 322, R 5) or the Family Justice Rules 2014 (G.N. No. S 813/2014);
- (b) where no order mentioned in sub-paragraph (a) has been made, such costs as decided by the Director.

(4) The sum available to the Director to pay the solicitor’s costs (called in this regulation the available sum) must be calculated in accordance with the formula  $A - B - C$  where —

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- (a) A is the total amount of damages recovered for the aided person in the proceedings and costs recovered by the aided person and paid to the Director under section 16(2) of the Act;
  - (b) B is the total amount of costs applied in the first instance under section 16(7) of the Act, in and towards satisfaction of the fees, charges and sums mentioned in section 16(6)(b) and (c) of the Act; and
  - (c) C is any sum remaining unpaid on account of the aided person's contribution, for which there is a first charge under section 22A(3) of the Act.

(5) If the available sum is insufficient to pay the solicitor's costs and meet the net liability of the Fund, the Director must divide the available sum in proportion to the amount owing to the solicitor and the Fund, respectively.”

### **New regulations 12A and 12B**

9. The principal Regulations are amended by inserting, immediately after regulation 12, the following regulations:

#### **“Documents available to aided person**

**12A.** For the purposes of section 12(4)(b) of the Act, an aided person is entitled to be supplied a copy of each of the following other documents free of charge:

- (a) the grounds of decision in any proceedings to which the Grant of Aid relates;
- (b) the certified transcript of every official record of hearing in relation to any proceedings to which the Grant of Aid relates.

#### **Appeal by aided persons**

**12B.** For the purposes of section 18(1) of the Act, the prescribed time to make an application for legal aid in respect of any appeal from any proceedings is 5 working days before the last day to file a notice of appeal in respect of those proceedings fixed by the court by or under any written law.”

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**Amendment of regulation 14**

10. Regulation 14(7) of the principal Regulations is amended by deleting the words “section 9(2)” and substituting the words “section 22A(3)”.

**Deletion and substitution of regulation 18**

11. Regulation 18 of the principal Regulations is deleted and the following regulation substituted therefor:

**“Scope of legal advice**

18. For the purposes of section 20(2)(b) of the Act, legal advice consists only of advice and assistance in preparing either of the following legal documents:

- (a) a will;
- (b) a deed of separation.”.

**Deletion of Schedule**

12. The Schedule to the principal Regulations is deleted.

**Miscellaneous amendments**

13. The principal Regulations are amended —

- (a) by deleting the words “section 9” in the following regulations and substituting in each case the words “section 22A”:

Regulations 2A(1)(a), 9(4) and 14(4)(a);

- (b) by deleting the words “section 9(1)” in the following regulations and substituting in each case the words “section 22A(1)”:

Regulations 8(1)(b)(i) and 14(3)(c); and

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(c) by deleting the word “forthwith” in the following regulations and substituting in each case the words “as soon as practicable”:

Regulations 7(7) and (8), 8(5), (6) and (7), 9(2) and 13(2).

*[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]*

Made on 28 May 2019.

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