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## No. S 74

### INTERNATIONAL CHILD ABDUCTION ACT 2010 (ACT 27 OF 2010)

### INTERNATIONAL CHILD ABDUCTION (APPLICATION OF LEGISLATION RELATING TO LEGAL AID AND LEGAL ADVICE) REGULATIONS 2011

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In exercise of the powers conferred by sections 19 and 20 of the International Child Abduction Act 2010, the Minister for Law hereby makes the following Regulations:

#### **Citation and commencement**

1. These Regulations may be cited as the International Child Abduction (Application of Legislation relating to Legal Aid and Legal Advice) Regulations 2011 and shall come into operation on 1st March 2011.

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**Definition**

2. In these Regulations, “Director” means the Director of Legal Aid appointed under section 3 of the Legal Aid and Advice Act (Cap. 160) and includes a Deputy Director and an Assistant Director appointed under section 3 of that Act.

**Application of Legal Aid and Advice Act**

3. The following provisions of the Legal Aid and Advice Act (Cap. 160) shall, with such exceptions, modifications and adaptations as are specified in regulations 4 to 8, apply in relation to the provision of legal aid and legal advice under Part IV of the International Child Abduction Act 2010 as they apply in relation to the provision of legal aid and legal advice under the Legal Aid and Advice Act:

- (a) Part I (except section 3(4)(b));  
*[S 401/2019 wef 31/05/2019]*
- (b) Part II (except sections 8(4) and 19);
- (c) Part III;
- (d) Part IV (except sections 23 and 24); and
- (e) Second Schedule (except paragraph (g) of the definition of “disposable capital” and paragraph (d) of the definition of “disposable income” in paragraph 4).

**Modification of section 5 of Legal Aid and Advice Act**

4. Section 5 of the Legal Aid and Advice Act (Cap. 160) shall have effect with the following modifications:

- (a) subsections (1), (1A), (1B) and (4) of that section do not apply;  
*[S 401/2019 wef 31/05/2019]*
- (b) instead, legal aid may be given to a person —
  - (i) who is a citizen of, or habitually resident in, Singapore or a Contracting State; and
  - (ii) who is or will be —
    - (A) a party to the proceedings under section 8 of the International Child Abduction Act 2010; or

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(B) the applicant in the proceedings under section 14 of the International Child Abduction Act 2010.

### **Modification of section 6 of Legal Aid and Advice Act**

5. Section 6(2) of the Legal Aid and Advice Act (Cap. 160) shall have effect with the modification that where a guardian makes an application to the Director on behalf of an infant, the guardian must be a person who is a citizen of, or habitually resident in, Singapore or a Contracting State.

### **Modification of section 11 of Legal Aid and Advice Act**

6. Section 11(2) of the Legal Aid and Advice Act (Cap. 160) shall have effect with the modification that the Director shall assign a solicitor, to be selected at his sole discretion, from the appropriate panel of solicitors maintained pursuant to section 4 of that Act, to act for each applicant.

### **Modification of section 12 of Legal Aid and Advice Act**

7. Section 12(1) of the Legal Aid and Advice Act (Cap. 160) shall have effect with the modification that where a Grant of Aid is issued, the Director may assign a solicitor, to be selected at his sole discretion, from the appropriate panel of solicitors maintained pursuant to section 4 of that Act, to act for the applicant.

*[S 401/2019 wef 31/05/2019]*

### **Modification of section 20 of Legal Aid and Advice Act**

7A. Section 20 of the Legal Aid and Advice Act (Cap. 160) has effect with the following modifications:

- (a) subsections (1) and (2) of that section do not apply;
- (b) instead, on the application of any person who is a citizen of, or habitually resident in, Singapore or a Contracting State —
  - (i) the Director or an authorised solicitor may provide oral advice to the person on the law of Singapore in connection with the Convention; or

- (ii) the Director may provide the person assistance with the preparation of an application by the person for legal aid under Part IV of the International Child Abduction Act (Cap. 143C).

*[S 401/2019 wef 31/05/2019]*

### **Modification of Second Schedule to Legal Aid and Advice Act**

8. Paragraph (e) of the definition of “disposable capital” in paragraph 4 of the Second Schedule to the Legal Aid and Advice Act (Cap. 160) shall be read, in its application in relation to the provision of legal aid and legal advice under Part IV of the International Child Abduction Act 2010, as if the words “or a Housing and Development Board flat owned and exclusively used by the applicant and his family as their home” were deleted.

### **Application of Legal Aid and Advice Regulations**

9. The provisions of the Legal Aid and Advice Regulations (Cap. 160, Rg 1) apply in relation to the provision of legal aid and legal advice under Part IV of the International Child Abduction Act 2010 as they apply in relation to the provision of legal aid and legal advice under the Legal Aid and Advice Act (Cap. 160).

*[S 401/2019 wef 31/05/2019]*

10. *[Deleted by S 401/2019 wef 31/05/2019]*

11. *[Deleted by S 401/2019 wef 31/05/2019]*

### **Conversion of foreign currency**

12.—(1) Where under any provision of the Legal Aid and Advice Act (Cap. 160) or the Legal Aid and Advice Regulations (Cap. 160, Rg 1) the conversion of foreign currency into Singapore currency is required to be made, the rate of exchange for the purpose of the conversion shall be the rate of exchange between that foreign currency and the Singapore currency applicable at the relevant time.

(2) In this regulation, “relevant time” means —

- (a) in the case of determining the disposable capital or the disposable income of the applicant —

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- (i) subject to sub-paragraph (ii), the date on which an applicant makes an application for legal aid to the Director under section 6(1) or (2) of the Legal Aid and Advice Act (Cap. 160); or
  - (ii) the date on which the Director makes a further determination or such enquiries as to the means and condition of an applicant under section 7(a) of that Act; and
- (b) in the case of a contribution required to be made under section 22A(1) of the Legal Aid and Advice Act (Cap. 160) or a deposit in respect of out-of-pocket expenses required to be paid under section 13(1) of that Act, such of the following dates as the Director may, in his sole discretion, determine:
- (i) the date on which the Director makes a written request to an applicant for such contribution or deposit to be made; or
  - (ii) the date on which such contribution or deposit is received by the Director from an applicant pursuant to his written request.

*[S 401/2019 wef 31/05/2019]*

Made this 14th day of February 2011.

PANG KIN KEONG  
*Permanent Secretary,  
Ministry of Law,  
Singapore.*

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