

LEGAL AID AND ADVICE ACT
(CHAPTER 160, SECTION 23(1))

LEGAL AID AND ADVICE REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

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[1st October 1995]

Citation

1. These Regulations may be cited as the Legal Aid and Advice Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “board” means the board constituted under section 8 of the Act;
 - “Fund” means the Legal Aid Fund established under regulation 2A;
 - [Deleted by S 355/2013]
 - “Grant of Aid” includes a Provisional Grant of Aid issued under regulation 7.

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.

Legal Aid Fund

- 2A.**—(1) There shall be a Legal Aid Fund into which shall be paid —
- (a) all contributions paid by an aided person under section 9 of the Act;
 - (b) all costs recovered for an aided person in any proceedings in any court by the Director or assigned solicitor;
 - (c) all such sums appropriated from the Consolidated Fund and authorised to be paid into the Fund by or under any written law for the purposes of the Fund; and
 - (d) all interest and other income arising from investment of moneys forming the Fund.
- (2) The moneys in the Fund shall be withdrawn and applied only in accordance with the Act and these Regulations to meet —
- (a) payments of disbursements, fees to assigned solicitors and out-of-pocket expenses in connection with applications for legal aid; and

- (b) administrative costs and other expenses related to the management and investment of the Fund.
- (3) The Fund shall be controlled and administered by the Director.

Application for Grant of Aid

3.—(1) Any person who desires legal aid in any civil proceedings shall complete the application form in Form 1 set out in the Schedule.

(2) Every application for legal aid shall contain such information and shall be accompanied by such supporting documents as may be necessary to enable —

- (a) the board to determine —
 - (i) the nature of the proceedings in relation to which legal aid is sought and the circumstances in which legal aid is required; and
 - (ii) the question whether it is reasonable that a Grant of Aid should be issued; and
- (b) the Director to determine the disposable income and disposable capital of the applicant.

Application for legal aid for minor

4.—(1) An application for legal aid for a minor shall be made by a person of full age and capacity on behalf of the minor in Form 2 set out in the Schedule, and where the application relates to proceedings which are required by the rules of the court to be brought or defended by the guardian, the applicant must be the guardian or, where proceedings have not actually begun, a person intending to act as guardian.

(2) Every application for legal aid for a minor shall contain such information and shall be accompanied by such documents as may be necessary to enable —

- (a) the board to determine —
 - (i) the nature of the proceedings in relation to which legal aid is sought and the circumstances in which legal aid is required; and

(ii) the question whether it is reasonable that a Grant of Aid should be issued; and

(b) the Director to determine the disposable income and disposable capital of the applicant and the minor, where appropriate.

(3) The Director shall not issue a Grant of Aid to an applicant who is applying for it on behalf of a minor unless the applicant has signed an undertaking to pay to the Director (if called upon to do so) any sum which, by virtue of any provision of the Act or these Regulations, the Director may require an aided person of full age and capacity to pay upon the issue or during the currency or upon cancellation of the Grant of Aid.

(4) Any Grant of Aid referred to in this regulation shall be in the name of the minor and shall also state the name of the person who applied for the Grant on behalf of the minor.

(5) In any matter relating to the issue, amendment or cancellation of a Grant of Aid issued under this regulation, and in any other matter which may arise as between an aided person and the Director, the person by whom the minor has applied for the Grant shall be treated for all purposes (including the receipt of documents) as the agent of the minor.

Proceedings to which Grant of Aid may relate

5.—(1) A Grant of Aid may be issued in respect of the whole or a part of —

(a) proceedings in a court of first instance; or

(b) proceedings in an appellate court,

but it shall not relate to proceedings (other than interlocutory appeals) both in a court of first instance and in an appellate court.

(2) A Grant of Aid shall not relate to more than one action, cause or matter, but may include proceedings for the enforcement of any such order or agreement as is referred to in regulation 14(3).

(3) In determining whether any contribution should be paid by an aided person in one sum or by instalments, the Director shall have

regard to all the circumstances, including the probable length of time which any Grant of Aid issued as a result of the application will be in force, and the Director may order the contribution to be paid in instalments or the whole or a part of it to be paid before the issue of the Grant.

(4) After an application for a Grant of Aid has been approved, the Director shall notify the applicant of the terms upon which the Grant of Aid will be issued to the applicant.

(5) When an applicant has accepted the terms for the issue of a Grant of Aid and paid the contribution or any part thereof which is required to be paid before the issue of the Grant, the Director shall issue to the applicant a Grant of Aid in Form 3 set out in the Schedule.

Amendment of Grant of Aid

6. The Director may amend a Grant of Aid —

- (a) where it appears to him that there has been some error or mistake in the Grant;
- (b) when, in the opinion of the board, it has become desirable either for the Grant —
 - (i) to be extended to other proceedings, being part of the same action, cause or matter to which the Grant relates, or proceedings for the enforcement of any such order or agreement as is referred to in regulation 14(4); or
 - (ii) not to extend to some of the proceedings in respect of which it was issued; or
- (c) when an aided person desires to change the solicitor who is acting for him or the solicitor assigned by the Director to act for the aided person discharges himself from acting for the aided person.

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.

Cancellation of Grant of Aid

8.—(1) The Director may cancel a Grant of Aid —

- (a) at any time at the request of the person to whom it is issued;
- (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;

- (c) if the Director is satisfied that the proceedings to which the Grant relates have been disposed of;
- (d) where the board is satisfied that the aided person has required the proceedings to be conducted unreasonably so as to incur an unjustifiable expense which will be paid out of moneys in the Fund or has required unreasonably that the proceedings be continued;
- (e) if the Director is satisfied that the aided person has wilfully failed to comply with these Regulations as to information to be furnished by the aided person or, in furnishing any such information, has knowingly made a false statement or false representation;
- (f) if as a result of a further determination the Director is satisfied that —
 - (i) the disposable income of an aided person exceeds \$10,000 per annum; or
 - (ii) the disposable capital of an aided person exceeds \$10,000;

- (g) if as a result of any information coming to their knowledge the board considers that the aided person no longer has reasonable grounds for taking, defending or being a party to the proceedings or, as the case may be, that it is unreasonable in the particular circumstances for him to continue to receive legal aid;
 - (h) if the Director is satisfied that the aided person has died or has had a receiving order made against him; or
 - (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.
- (2) A Grant of Aid shall not be cancelled under paragraph (1)(d), (e), (f), (g) or (i) until the aided person has been given an opportunity to show cause why the Grant should not be cancelled.
- (3) At any time during the hearing of any proceedings to which an aided person is a party, the court may, upon application by or on behalf of any other party to the proceedings or by the Director, consider whether the aided person —
- (a) has wilfully failed to comply with any regulation as to the information to be furnished by him; or
 - (b) in furnishing any such information has knowingly made a false statement or false representation.
- (4) On any application under paragraph (3), the court may make an order cancelling the Grant of Aid from such date as may be appropriate and the court's decision shall be final except that no order shall be made under this paragraph until the aided person has been given an opportunity to show cause why the Grant should not be cancelled.
- (5) When the Director cancels a Grant of Aid, he shall forthwith issue a notice of cancellation to the aided person.
- (6) Where the Grant of Aid so cancelled has been filed in the registry of any court, the Director shall forthwith file a notification in Form 5 set out in the Schedule with that registry.
- (7) Where the court makes an order cancelling a Grant of Aid, the officer of the court shall forthwith inform the Director.

Effect of cancellation of Grant of Aid

9.—(1) Subject to this regulation, a person whose Grant of Aid is cancelled shall, from the date that the Grant is cancelled, cease to be an aided person in the proceedings to which the Grant relates.

(2) Upon receipt by him of a notice of cancellation of a Grant of Aid by the Director or the court, the retainer of any solicitor, if any, acting for the aided person to proceedings to which the Grant relates shall forthwith determine.

(3) Upon determination of proceedings under this regulation —

(a) the costs of the proceedings, to which the Grant relates, incurred by or on behalf of the person to whom it was issued, shall, as soon as practicable thereafter, be taxed or, as the case may be, assessed in accordance with these Regulations; and

(b) the Fund shall remain liable for the payment of any costs so taxed or assessed.

(4) Where a Grant of Aid has been cancelled, section 9 of the Act shall apply to any property recovered or preserved as a result of the person, whose Grant has been cancelled, continuing to be a party to the proceedings to which the cancelled Grant relates.

(5) Where a Grant of Aid has been cancelled, the person to whom the Grant was issued shall remain liable for the payment of his maximum contribution, if any, as determined by the Director up to the amount paid or payable by the Director under paragraph (3)(b), and where he continues to take, defend or be a party to the proceedings to which the Grant relates —

(a) section 16 of the Act, which relates to sums recovered by virtue of a settlement or compromise relating to costs made in favour of an aided person, shall apply in so far as the costs were incurred while he was an aided person; and

(b) section 14 of the Act, which relates to an aided person's liability by virtue of an order for costs made against him, shall apply in so far as the costs were incurred while he was an aided person.

Legal aid granted after commencement of proceedings

10.—(1) Where, after proceedings have been instituted in any court, any party becomes an aided person in regard to those proceedings, the Fund shall only be liable to so much of the costs of the proceedings as are incurred while a Grant of Aid is in force.

(2) Any solicitor, who has acted in the proceedings on behalf of the aided person before the date of the issue of a Grant of Aid, and any solicitor, who has by law a lien on any documents necessary for the proceedings to which the Grant relates and who has delivered them up subject to his lien, may give notice of the fact to the Director.

(3) If damages or costs are recovered for the aided person in the proceedings, the Director shall pay to such solicitor out of the sum so recovered the costs to which he would have been entitled on a taxation between solicitor and own client except that in any case where the sums so recovered are insufficient to pay these costs in full in accordance with this paragraph and also to meet the net liability of the Fund on the aided person's account, the sum recovered in the proceedings shall be divided between the Fund and the solicitor in proportion to the amount owing to each, and the first charge for the benefit of the Fund imposed by virtue of section 9(3) of the Act on property recovered or preserved in the proceedings shall take effect accordingly.

(4) In any case where there has been no order for taxation, the amount of the costs shall be fixed by the Director.

Refusal of Grant of Aid

11.—(1) Where a person has applied for and has been refused legal aid, or has had his Grant of Aid cancelled, on a total of 3 or more occasions and it appears to the Director that he has abused the facilities provided by the Act, the Director may order that no consideration shall be given to any future application by that person for a Grant of Aid with regard to any particular matter for a period not exceeding 3 years from the date of the order.

(2) This regulation shall apply to an application for legal aid made by any person on behalf of a minor.

Conduct of proceedings by aided person's solicitor

12.—(1) Every set of papers delivered by the Director to a solicitor acting for an aided person shall be marked with the words “Legal Aid”.

(2) Where it appears to the aided person's solicitor necessary for the proper conduct of the proceedings to take or to apply to the court for leave to take any one or more of the following steps, namely:

- (a) to add any further party to the proceedings;
- (b) to request any record of any proceedings;
- (c) to lodge any interlocutory appeal;
- (d) to instruct more than one solicitor; or
- (e) to set-up or set-off any right or claim having the same effect as a cross-action (other than a counterclaim or set-off arising out of the same transaction and capable of being pleaded as a defence) or to reply to any right or claim so set-up or so set-off by any other party,

he shall (unless the Grant of Aid provides for the act in question to be done) apply to the Director for authority to do so, and no payment shall be allowed on taxation for any such step taken without the approval of the Director.

(3) The Director may give general authority to solicitors acting for aided persons in any particular class of cases to obtain experts' opinion and to tender expert evidence, and if so he shall state the maximum fee to be paid for any report or opinion or the expert witness.

(4) Where it appears to an aided person's solicitor necessary for the proper conduct of the proceedings —

- (a) to obtain a report or opinion of one or more experts or to tender expert evidence in a case of a class not included in any general authority under paragraph (3); or
- (b) in a case of a class so included, to pay a higher fee than that stated by the Director or to obtain more reports or opinions or

to tender more experts as witnesses than have been authorised,

he may apply to the Director for authority to do so and if the Director gives the authority, he shall state the maximum number of reports or opinions that may be obtained or the maximum number of persons who may be tendered to give expert evidence and the maximum total fee to be paid therefor.

(5) Except as provided by this regulation, no payment shall be made for the report or opinion of an expert or for expert evidence tendered by or on behalf of an aided person.

(6) Where it appears to the aided person's solicitor necessary for the proper conduct of the proceedings that a certain act should be done, but that act is either unusual in its nature or involves unusually large expenditure, he may request the Director's prior approval to carry out the act and, where such prior approval has been obtained, no question as to the propriety of the act shall be raised on taxation as between solicitor and client in accordance with regulation 15.

(7) Without prejudice to the right of a solicitor to discharge himself from acting for a client for a good reason, any solicitor may discharge himself from acting for an aided person if, in his opinion, the aided person has required the solicitor to conduct the proceedings in such a manner so as to incur an unjustifiable expense to the Fund or has unreasonably insisted on the continuance of the proceedings.

(8) Where any solicitor exercises the right to discharge himself —

(a) pursuant to paragraph (7); or

(b) on the ground that the aided person has wilfully failed to provide any information required by him or that the aided person in furnishing the information has knowingly made a false representation,

the solicitor shall make a report to the Director of the circumstances in which that right was exercised.

(9) No solicitor acting for an aided person shall entrust the conduct of any part of the case to any other person.

(10) An aided person's solicitor shall give the Director such information regarding the progress and disposal of proceedings to which the Grant relates as the Director may, from time to time, require for the purpose of performing his functions under the Act and, without prejudice to the generality of the foregoing, a solicitor who has acted or is acting for an aided person shall, on being satisfied that the aided person has died or has had a receiving order made against him, report that fact to the Director.

(11) [*Deleted by S 355/2013*]

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
- (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.

16. [*Deleted by S 355/2013*]

Rules of court

17. Except as is otherwise provided by these Regulations, in any proceedings in any court to which an aided person is a party, the procedure shall be regulated by the rules of procedure for that court.

Transitional provision

18. Notwithstanding the revocation of the Legal Aid and Advice Regulations (Cap 160, Rg 1 (1990 Ed.), regulation 15(1), (2), (3) and (4) of those Regulations shall continue to apply to the remuneration of solicitors who have been assigned cases by the Director before 1st October 1995.

THE SCHEDULE

FORM 1

LEGAL AID AND ADVICE ACT
(CHAPTER 160)

LEGAL AID AND ADVICE REGULATIONS

APPLICATION BY PERSON APPLYING ON HIS OWN BEHALF FOR
LEGAL AID

Regulation 3(1)

LEGAL AID AND ADVICE ACT
(CHAPTER 160)

(1) Name of applicant in block letters. State Mr., Mrs., Miss, etc.
(2) Address, occupation and nationality.

1. I (1) of
(2) hereby apply for legal aid under the Legal Aid and Advice Act.

2. Legal aid under the Act is sought for the purpose of —

*Strike out unnecessary paragraph.
(3) Name and address of person against whom proceedings are to be taken or continued.

*(a) taking or continuing proceedings against (3)
.....

*(b) defending or continuing to defend proceedings instituted or to be instituted by (4)

(4) Name and address of person instituting proceedings.

*(c) being or continuing as a party to proceedings (5)

(5) Name of proceedings and names and addresses of all parties.

3. The grounds of my application are (6) ...
.....
.....
.....

(6) State shortly the grounds relied upon for taking, defending, continuing or being a party to the proceedings.

4. The following persons can give evidence in support of my case:

(7) Give names and addresses.
(8) In most cases it will be in your interests to supply statements if at all possible. The statements should show how far each person can, from his own knowledge of the facts, confirm your own statement.

(7) and (8)
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THE SCHEDULE — *continued*

SPECIAL NOTICE TO APPLICANTS

Section 21 of the Legal Aid and Advice Act reads:

“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.”.

**STATUTORY DECLARATION
BY APPLICANT**

- (a) Name in full.
- (b) Address.
- (c) Occupation.

I, (a)
(b) and (c)

.....
being the applicant in the application do solemnly and sincerely declare that the replies to the under-mentioned questions are true and correct to the best of my knowledge and belief.

A. Include land, houses and other buildings, mortgages, moneys in hand or in banks, building societies or other financial institutions, moneys loaned to or held by any other person, moneys due from any estate or any interest not yet payable under any will, trust settlement, etc.; the present value of any life or other assurance policy; shares in any company, bonds of any kind; vehicles, motor cars, or goods or chattels of any kind whatsoever. Do not include the dwelling-house in which reside. Particulars of that should be given under paragraph C below.

A. State particulars and value of all property of which you are possessed or to which you are entitled, exclusive of the subject-matter of the proceedings referred to in the application, your wearing apparel, your tools of trade, and the household furniture used by you in your home. A.
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THE SCHEDULE — continued

F. State all sources of income, e.g. salary or wages; rents of properties let; interest on mortgages, etc.; income from conduct of farm or business; income from taking in boarders or letting rooms; pensions, etc.

G. See note to paragraph A above as to "property".

F. (i) From what sources was such income derived?

(ii) If derived from employment, set out the names and addresses of the various employers during the period referred to above

G. (i) Have you parted with any real or personal property during the past 12 months? If so, give particulars.

(ii) Have you ever been bankrupt or assigned your estate in any way? If so, give particulars.

F. (i)

(ii)

G. (i)

(ii)

“And I make this solemn declaration by virtue of the provisions of the Oaths and Declarations Act (Cap. 211), and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.
.....
Signature of Applicant.
Declared at this day of”;

THE SCHEDULE — *continued*

Before me,

.....
Commissioner for Oaths.

FORM 2
LEGAL AID AND ADVICE ACT
(CHAPTER 160)
LEGAL AID AND ADVICE REGULATIONS
APPLICATION BY GUARDIAN ON BEHALF OF A MINOR FOR LEGAL
AID

Regulation 4(1)

THE SCHEDULE — continued

LEGAL AID AND ADVICE ACT
(CHAPTER 160)

(1) Name of applicant. 1. I, (1)
(2) Address. of (2) and (3)
(3) Occupation and nationality.

hereby apply for legal aid under the Legal Aid and Advice Act.

(4) Name of infant. This application is made by me as next friend or guardian *ad litem* of (4) an infant aged years of (2) and (3)

2. Legal aid under the Act is sought for the purpose of —

*Strike out unnecessary paragraphs.
(5) Name and address of person against whom proceedings are to be taken or continued. *(a) taking or continuing proceedings against (5)

(6) Name and address of person instituting proceedings. *(b) defending or continuing to defend proceedings instituted or to be instituted by (6)

(7) Nature of proceedings and names and addresses of all parties. [Note: Where the proceedings referred to in paragraph (a), (b) or (c) have been commenced, state in what Court.] *(c) being or continuing as a party to proceedings (7)

(8) State shortly the grounds relied upon for taking, defending, continuing or being a party to the proceedings. 3. The grounds of my application are (8)

THE SCHEDULE — continued

4. The following persons can give evidence in support of my case:

(9) Give names and addresses.

(10) In most cases it will be in your own interests to supply statements if at all possible. The statements should show how far each person can, from his own knowledge, confirm your own statement.

(9) and (10)

5. I attach with this form the following documents:

(11) You should supply with this form any document (such as letters, contracts, agreements, deed, copies of will, etc.) which are relevant to your case, and supply a list of such documents. If the space provided is insufficient, attach the list on a separate sheet of paper.

(11)

6. The solicitor whom I wish to act for me in the proceedings is (12)

(12) The Director may act or assign a solicitor to act for you. You may indicate your preference of solicitors.

7. I understand that if my application is approved I shall be informed of the terms on which the Director is prepared to issue a certificate, that those terms may include the payment by me of a contribution towards my costs of the proceedings, and I shall have the opportunity of accepting or refusing any offer of a certificate so made to me.

8. I understand that I may be required by the Director to supply further information in connection with my application.

THE SCHEDULE — *continued*

9. I have completed the statutory declaration herein.

.....
Signature of Applicant.

Date

SPECIAL NOTICE TO APPLICANTS

Section 21 of the Legal Aid and Advice Act reads:

“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.”

**STATUTORY DECLARATION
BY APPLICANT**

- (a) Name in full.
- (b) Address.
- (c) Occupation.

I, (a)
of (b) and (c)

.....
being the applicant in the application do hereby solemnly declare and affirm that the replies to the undermentioned questions are true and correct to the best of my knowledge and belief.

THE SCHEDULE — continued

A. Include land, houses and other buildings, mortgages, moneys in hand or in banks, building societies or other financial institutions; moneys loaned to or held by any other person; moneys due from any estate or any interest not yet payable under any will, trust, settlement, etc.; the present value of any life or other assurance policy; shares in any company, bonds of any kind; vehicles, motor cars, or goods or chattels of any kind whatsoever. Do not include the dwelling-house in which you reside. Particulars of that should be given under paragraph C below.

B. "Other financial liabilities" include such liabilities as moneys owing upon any account or under any contract.

C. (ii) Improved capital value to be stated.
Net value to be stated, e.g., where subject to mortgage.
Where applicant is part owner only, state whether the mortgage or charge is over the whole or only over the applicant's share or interest.

A. State particulars and value of all property of which you are possessed or to which you are entitled, exclusive of the subject-matter of the proceedings referred to in the application, your wearing apparel, your tools of trade, and the household furniture used by you in your home.

B. Give particulars of any mortgages, bills of sale or other charges existing in connection with the property referred to in paragraph A above, and any other financial liabilities to which you are subject.

C. (i) Do you own the dwelling-house used by you as your home?

(ii) If so —
what is the value of the dwelling-house?
what is the value of your interest in the dwelling-house?
give particulars of mortgages, charges and other interests affecting the dwelling-house.

A.
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B.
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C. (i)
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(ii)
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.....

THE SCHEDULE — continued

D. State whether single, married, widow or widower, divorced, married but living apart under decree or order of court or under a deed of separation, or such other particulars as may be appropriate.

E. State separately the total amount of the income of the applicant and of the spouse.

F. State all sources of income, e.g., salary or wages; rents of properties let; interest on mortgages, etc.; income from conduct of farm or business; income from taking in boarders or letting rooms; pensions, etc.

G. See note to paragraph A above as to "property".

H. Indicate whether parent, guardian, etc.

D. (i) What is your marital status?

(ii) Is any person totally dependent on you?

Give full particulars, including ages of children.

E. What was the amount of your income and (if married) the income of your spouse from all sources during the period of 12 months preceding the making of the application.

F. (i) From what sources was such income derived?

(ii) If derived from employment, set out the names and addresses of the various employers during the period referred to above.

G. (i) Have you parted with any real or personal property during the past 12 months? If so, give particulars.

(ii) Have you ever been bankrupt or assigned your estate in any way? If so, give particulars.

H. What is your relationship to the infant on whose behalf you make the application?

D. (i)

(ii)

.....

E.

.....

.....

F. (i)

(ii)

.....

.....

G. (i)

.....

(ii)

.....

H.

.....

.....

THE SCHEDULE — continued

I. See note to paragraph A above.	I. State particulars and value of all property of which the infant is possessed or to which he is entitled exclusive of the subject-matter of the proceedings referred to in the application, the wearing apparel and tools of trade of the infant, and the household furniture used by the infant in his home.	I.
J. See note to paragraph B above.	J. Give particulars of any mortgages, bills of sale or other charges existing in connection with the property referred to in paragraph I above, and of any other financial liability to which the infant is subject.	J.
K. See note to paragraph C above.	K. (i) Does the infant own the dwelling-house used by him as his home? (ii) If so — what is the value of the dwelling-house? what is the value of his interest in the dwelling-house? give particulars of mortgages, charges and other interests affecting the dwelling-house.	K. (i) (ii)
L. See note to paragraph E above.	L. What was the amount of the income of the infant from all sources during the period of 12 months preceding the making of the application?	L.

THE SCHEDULE — *continued*

M. See note to paragraph F above.

M. From what source was such income derived?

M.
.....

N. See note to paragraph G above.

N. Has the infant parted with any real or personal property during the past 12 months? If so, give particulars.

N.
.....
.....
.....
.....

“And I make this solemn declaration by virtue of the provisions of the Oaths and Declarations Act (Cap. 211), and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

.....
Signature of Applicant.

Declared at this day of”.

THE SCHEDULE — *continued*

Before me,

.....
Commissioner for Oaths.

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

THE SCHEDULE — *continued*

* 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]*.

.....

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:

THE SCHEDULE — *continued*

- (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.

[*Deleted by S 355/2013*]

[*Deleted by S 355/2013*]

LEGISLATIVE HISTORY
LEGAL AID AND ADVICE REGULATIONS
(CHAPTER 160, RG 1)

This Legislative History is provided for the convenience of users of the Legal Aid and Advice Regulations. It is not part of these Regulations.

1. 1995 Revised Edition — Legal Aid and Advice Regulations

Date of operation : 1 October 1995

2. G. N. No. S 299/2002 — Legal Aid and Advice (Amendment) Regulations 2002

Date of commencement : 26 April 2000

3. G. N. No. S 428/2003 — Legal Aid and Advice (Amendment) Regulations 2003

Date of commencement : 2 September 2003

4. G. N. No. S 399/2005 — Legal Aid and Advice (Amendment) Regulations 2005

Date of commencement : 15 July 2005

5. G. N. No. S 309/2007 — Legal Aid and Advice (Amendment) Regulations 2007

Date of commencement : 1 July 2007

6. G.N. No. S 612/2012 — Legal Aid and Advice (Amendment) Regulations 2012

Date of commencement : 1 January 2013

7. G.N. No. S 355/2013 — Legal Aid and Advice (Amendment) Regulations 2013

Date of commencement : 1 July 2013