



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 19 November 2018 and assented to by the President on 21 December 2018:—

### REPUBLIC OF SINGAPORE

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**No. 50 of 2018.**

I assent.

HALIMAH YACOB,

*President.*

*21 December 2018.*



An Act to amend the Legal Aid and Advice Act (Chapter 160 of the 2014 Revised Edition) and to make consequential amendments to the Legal Profession Act (Chapter 161 of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act is the Legal Aid and Advice (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Amendment of section 2**

2. Section 2 of the Legal Aid and Advice Act (called in this Act the principal Act) is amended —

(a) by deleting the words “referred to in Part I of the First Schedule” in the definition of “court” and substituting the words “mentioned in section 5(1) or (1A)”;

(b) by deleting the definition of “Grant of Aid” and substituting the following definition:

““Grant of Aid” means a document issued under section 8 stating that legal aid is granted to a person (whether on a provisional basis or otherwise);”;

(c) by inserting, immediately after the definition of “judge”, the following definition:

““legal advice” has the meaning given by section 20;”.

**Amendment of section 3**

3. Section 3 of the principal Act is amended —

(a) by deleting subsections (3) and (4) and substituting the following subsections:

“(3) The Director of Legal Aid may —

(a) appoint such number of public officers of such qualifications and experience as the Director of Legal Aid considers appropriate, for the purpose of assisting him, and the Deputy Directors and Assistant Directors of Legal Aid in

carrying out any of their duties under this Act; and

- (b) assign to those appointed public officers such duties as the Director of Legal Aid considers appropriate for the purpose mentioned in paragraph (a).

(4) Despite any other written law, for the purposes of this Act, the following persons have the right to appear and plead in all courts of justice in Singapore according to the law in force in those courts:

- (a) the Director and every Deputy Director or Assistant Director of Legal Aid;
- (b) a public officer who is appointed under subsection (3), and is assigned under that subsection any duty that requires the public officer to appear and plead in those courts.”; and

- (b) by inserting, immediately after the words “Legal Aid” in the section heading, the word “, etc.”.

#### **Amendment of section 4**

4. Section 4 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) The Director may appoint a solicitor to a panel mentioned in subsection (1) for a term of 3 years, or such longer or shorter period as the Director may specify in any particular case, beginning on such date as the Director may specify in the solicitor’s letter of appointment.”.

#### **Amendment of section 5**

5. Section 5 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

“(1) Subject to this Part, legal aid may be given to a citizen or permanent resident of Singapore in relation to any civil

proceedings mentioned in Part I of the First Schedule (not being any proceedings mentioned in Part II of that Schedule).

(1A) Despite subsection (1), the Director may authorise the giving of legal aid to a citizen or permanent resident of Singapore in relation to any proceedings mentioned in Part II of the First Schedule, if the Director is satisfied that those proceedings are, or are likely to be, related to any civil proceedings mentioned in that subsection.

(1B) In deciding whether any proceedings mentioned in Part II of the First Schedule are, or are likely to be, related to any civil proceedings mentioned in subsection (1), the Director may consider —

- (a) whether a court has ordered, or may order, that the proceedings mentioned in Part II of the First Schedule, and the civil proceedings mentioned in subsection (1), be consolidated or tried at the same time, on the ground that some common question of fact arises in both proceedings; and
- (b) any other circumstances that may be specified in any regulations made under this Act.”.

### **Amendment of section 6**

**6.—**(1) Section 6 of the principal Act is amended —

- (a) by inserting, immediately after subsection (1), the following subsection:

“(1A) An application for legal aid must be —

- (a) made in the form and manner required by the Director; and
- (b) accompanied by any documents and information required by the Director.”;

- (b) by deleting the words “sections 8(2)(b) and 9(1)” in subsection (3)(b) and substituting the words “section 8(2)(b)”;

(c) by deleting the words “shall, upon attaining the age of 21 years, make a fresh application under subsection (1) for legal aid in his own right to the Director” in subsection (5) and substituting the words “must give to the Director, within the prescribed time after the aided person attains 21 years of age, and in the form and manner required by the Director, a written consent to continue receiving legal aid”; and

(d) by inserting, immediately after subsection (5), the following subsection:

“(6) Every aided person who gives a written consent under subsection (5) is deemed to have made a fresh application for legal aid in that person’s own right.”.

(2) Section 6(3) of the principal Act, as amended by subsection (1)(b), is amended —

(a) by deleting “8(2)(a)” in paragraph (a) and substituting the words “8(1)(b) or (2)(c)”; and

(b) by deleting the words “section 8(2)(b) or in the Second Schedule” in paragraph (b) and substituting the words “section 8(1)(a) or (2)(b)”.

### **Amendment of section 8**

7. Section 8 of the principal Act is amended —

(a) by deleting subsections (1) and (2) and substituting the following subsections:

“(1) The Director may approve an application for legal aid, and issue a Grant of Aid to an applicant in connection with any proceedings, if —

(a) the Director is of the opinion that the applicant satisfies the prescribed means criteria; and