



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 4th February 2013 and assented to by the President on 27th February 2013:—

### REPUBLIC OF SINGAPORE

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**No. 6 of 2013.**

I assent.

TONY TAN KENG YAM,  
*President.*  
27th February 2013.



An Act to amend the Legal Aid and Advice Act (Chapter 160 of the 1996 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 may be cited as the Legal Aid and Advice (Amendment) Act 2013 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

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

(a) by deleting the definition of “aided person” and substituting the following definitions:

““aided person” means a person who is issued a Grant of Aid and, where such a person is a minor, includes his guardian;

“court” means any court, tribunal or adjudicator before which or before whom any proceedings referred to in Part I of the First Schedule are heard;”;

(b) by deleting the definition of “guardian” and substituting the following definitions:

““Grant of Aid” means the document issued by the Director under section 8(2) stating that legal aid is granted to a person;

“guardian”, in relation to a minor, includes any person whom the Director considers might properly be appointed to be the litigation representative of the minor;”;

(c) by deleting the definition of “legal aid certificate”.

**Amendment of section 4**

3. Section 4 of the principal Act is amended —

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

“(2) Any solicitor shall be entitled to have his name on the panels or any of them unless there is good reason for

excluding or removing him on any of the grounds under subsection (2A).

(2A) The Director may, at any time, exclude or remove any solicitor from any panel —

- (a) if the solicitor has ceased to be a practising solicitor for any reason;
  - (b) if the solicitor has requested that the Director remove him from the panel;
  - (c) if the solicitor has shown from his conduct when assigned to act for persons receiving legal aid or from his professional conduct generally that he is not a suitable person to remain on the panel; or
  - (d) if, in the opinion of the Director —
    - (i) the solicitor is not a suitable person to be or remain on the panel for any other reason; or
    - (ii) it is necessary or expedient to exclude or remove the solicitor's name from the panel for any other reason.”;
- (b) by inserting, immediately after the word “excluding” in subsection (3), the words “or removing”; and
- (c) by deleting subsection (4) and substituting the following subsection:
- “(4) A solicitor shall have the duty to disclose to the Director any information or give any opinion which may enable the Director to perform his functions under this Act, including such information or opinion which may reasonably be taken into account by the Director or the board referred to in section 8 in determining whether to refuse or cancel legal aid to a person or an aided person, and the solicitor shall not be precluded from so doing by reason of any privilege arising out of the relationship between solicitor and client.”.

**Amendment of section 5**

4. Section 5 of the principal Act is amended by deleting the words “or tribunal” in subsections (2) and (3).

**Amendment of section 6**

5. Section 6 of the principal Act is amended —

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

“(1) Any person who (whether in his own right or in a representative capacity) desires to be granted legal aid shall make an application in that behalf to the Director.

(1A) Every application made under subsection (1) shall be accompanied by such fee (which shall be inclusive of goods and services tax) as may be prescribed.”;

(b) by deleting the words “an infant” in subsections (2) and (3) and substituting in each case the words “a minor”;

(c) by deleting the words “the infant” wherever they appear in subsections (2) and (3)(a) and (b) and substituting in each case the words “the minor”; and

(d) by inserting, immediately after subsection (4), the following subsection:

“(5) Where —

(a) an aided person was a minor at the time legal aid was granted to him in respect of any proceedings;

(b) such proceedings have not been concluded by the time he attains the age of 21 years; and

(c) the aided person wishes to continue receiving legal aid in respect of those proceedings after attaining the age of 21 years,

the aided person 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 respect of those proceedings.”.

### **Amendment of section 8**

**6. Section 8 of the principal Act is amended —**

- (a) by deleting the words “grant to an applicant a certificate” in subsection (2) and substituting the words “issue a Grant of Aid to an applicant”;
- (b) by deleting the words “grant a legal aid certificate” in subsection (4) and substituting the words “issue a Grant of Aid”; and
- (c) by deleting the marginal note and inserting the following section heading:

**“Grant of Aid”.**

### **Amendment of section 9**

**7. Section 9 of the principal Act is amended —**

- (a) by deleting subsections (1), (2) and (3) and substituting the following subsections:

“(1) The Director may require an applicant to make one or more contributions in one lump sum or by instalments in respect of any matter for which an application for legal aid has been made by that applicant.

(2) Unless the regulations otherwise provide, any sum remaining unpaid on account of a person’s contribution in respect of any matter for which legal aid has been granted shall be a first charge on any property which is recovered or preserved for that person in the proceedings connected to the matter in favour of any fund established under this Act.”;

- (b) by deleting the words “subsection (3)” in subsection (4) and substituting the words “subsection (2)”; and
- (c) by deleting subsection (6) and substituting the following subsection: