
First published in the *Government Gazette*, Electronic Edition, on 15 October 2019 at 5 pm.

No. S 692

LEGAL AID AND ADVICE ACT (CHAPTER 160)

LEGAL AID AND ADVICE (AMENDMENT NO. 2) 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 No. 2) Regulations 2019 and come into operation on 16 October 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 —

(a) by deleting the definition of “board” and substituting the following definition:

““board” means a board consisting of the Director and not fewer than 2 solicitors on an appropriate panel of solicitors maintained under section 4 of the Act;” and

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

““Provisional Grant of Aid” means a Grant of Aid issued on a provisional basis under section 8(2) of the Act;”.

New regulations 3 and 3A

3. The principal Regulations are amended by inserting, immediately after regulation 2A, the following regulations:

“Means criteria

3. For the purposes of section 8(1)(a) of the Act, the prescribed means criteria are set out in the First Schedule.

Prescribed classes of proceedings

3A. For the purposes of section 8(1)(b)(i) of the Act, the prescribed classes of proceedings are set out in the Second Schedule.”.

Amendment of regulation 6

4. Regulation 6 of the principal Regulations is amended —

(a) by deleting the words “in the opinion of the board,” in paragraph (b) and substituting the words “in relation to a Grant of Aid issued in connection with any proceedings mentioned in the Second Schedule, the Director is of the opinion that”; and

(b) by renumbering the regulation as paragraph (1) of that regulation, and by inserting immediately thereafter the following paragraph:

“(2) The Director may amend a Grant of Aid issued in connection with any proceedings other than those mentioned in the Second Schedule if, in the opinion of a board, the Grant of Aid should —

(a) 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 mentioned in regulation 14(4); or

(b) not be extended to some of the proceedings in respect of which it was issued.”.

Deletion and substitution of regulation 7

5. Regulation 7 of the principal Regulations is deleted and the following regulation substituted therefor:

“Provisional Grant of Aid

7.—(1) A Provisional Grant of Aid remains in force for a period not exceeding 3 months, unless the period is extended under paragraph (2).

(2) The Director may, if the Director considers appropriate in any particular case, extend the period mentioned in paragraph (1) by one or more further periods not exceeding 3 months each.

(3) The Provisional Grant of Aid ceases to have effect on the date that the Director issues a Grant of Aid under section 8(1) of the Act to the applicant in respect of the proceedings to which the Provisional Grant of Aid relates.

(4) If the Director refuses an application for legal aid under section 8(1) of the Act, the Director must as soon as practicable cancel the Provisional Grant of Aid that was issued pending the determination of that application.

(5) The Director must as soon as practicable notify all parties concerned if a Provisional Grant of Aid is cancelled or extended.”.

Amendment of regulation 8

6. Regulation 8 of the principal Regulations is amended —

(a) by deleting sub-paragraphs (d) and (g) of paragraph (1);

(b) by deleting sub-paragraph (f) of paragraph (1) and substituting the following sub-paragraph:

“(f) if, as a result of a further determination, the Director is satisfied that the aided person does not satisfy the means criteria set out in the First Schedule;”;