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First published in the *Government Gazette*, Electronic Edition, on 17th June 2013 at 5.00 pm.

**No. S 355**

LEGAL AID AND ADVICE ACT  
(CHAPTER 160)

LEGAL AID AND ADVICE  
(AMENDMENT) REGULATIONS 2013

In exercise of the powers conferred by section 23(1) of the Legal Aid and Advice Act, the Minister for Law hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Legal Aid and Advice (Amendment) Regulations 2013 and shall come into operation on 1st July 2013.

**Amendment of regulation 2**

2. Regulation 2 of the Legal Aid and Advice Regulations (Rg 1) (referred to in these Regulations as the principal Regulations) is amended by deleting the definition of “legal aid certificate” and substituting the following definition:

““Grant of Aid” includes a Provisional Grant of Aid issued under regulation 7.”.

**New regulation 2AA**

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

**“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.”.

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**Amendment of regulation 4**

4. Regulation 4 of the principal Regulations is amended —
- (a) by inserting, immediately after the word “applicant” in paragraph (2)(b), the words “and the minor, where appropriate”; and
  - (b) by deleting the word “notices” in paragraph (5) and substituting the word “documents”.

**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) 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.”.

### **Amendment of regulation 8**

6. Regulation 8 of the principal Regulations is amended —

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

“(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;”;

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- (b) by deleting the words “and the probable cost which might reasonably be incurred by him in continuing the proceedings, otherwise than as an aided person, would not exceed the maximum contribution payable under the determination” in paragraph (1)(f)(ii);
  - (c) by deleting the word “or” at the end of paragraph (1)(g);
  - (d) by deleting the full-stop at the end of sub-paragraph (h) of paragraph (1) and substituting the word “; or”, and by inserting immediately thereafter the following sub-paragraph:
    - “(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.”;
  - (e) by deleting the words “paragraph (1)(d), (e), (f) or (g)” in paragraph (2) and substituting the words “paragraph (1)(d), (e), (f), (g) or (i)”;
  - (f) by deleting the words “Form 6” in paragraph (6) and substituting the words “Form 5”.

### **Amendment of regulation 11**

**7.** Regulation 11 of the principal Regulations is amended —

- (a) by deleting the words “on more than 4 occasions” in paragraph (1) and substituting the words “, or has had his Grant of Aid cancelled, on a total of 3 or more occasions”; and
- (b) by deleting paragraph (2) and substituting the following paragraph:
  - “(2) This regulation shall apply to an application for legal aid made by any person on behalf of a minor.”.

### **Amendment of regulation 12**

**8.** Regulation 12 of the principal Regulations is amended by deleting paragraph (11).

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**Deletion and substitution of regulations 13, 14 and 15**

9. Regulations 13, 14 and 15 of the principal Regulations are deleted and the following regulations substituted therefor:

**“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.