

**Legal Aid and Advice Act  
(CHAPTER 160)**

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# LEGAL AID AND ADVICE ACT

## (CHAPTER 160)

(Original Enactment: Act 20 of 1995)

REVISED EDITION 2014

(30th April 2014)

An Act to make provision for the grant of legal aid and advice to persons of limited means.

[1st October 1995]

### PART I

#### PRELIMINARY

##### Short title

1. This Act may be cited as the Legal Aid and Advice Act.

##### Interpretation

2. In this Act, unless the context otherwise requires —

“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;

“Director” means the Director of Legal Aid appointed under section 3 and includes a Deputy Director and an Assistant Director of Legal Aid;

“goods and services tax” means the goods and services tax levied under the Goods and Services Tax Act (Cap. 117A);

“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;

“judge”, in relation to proceedings —

(a) in the High Court, includes a Judicial Commissioner;

(b) in a District Court, includes a District Judge; and

(c) in a Magistrate's Court, includes a Magistrate;

“legal aid” means legal aid granted under this Act;

“solicitor” means an advocate and solicitor of the Supreme Court.

[6/2013]

### **Director, Deputy Directors and Assistant Directors of Legal Aid**

3.—(1) The Minister may appoint a person to be the Director of Legal Aid and may also appoint such number of Deputy Directors and Assistant Directors of Legal Aid as he may consider necessary for the proper carrying out of this Act.

(2) No person shall be appointed to be or to act temporarily as the Director, a Deputy Director or an Assistant Director of Legal Aid unless he is a qualified person as defined in section 2 of the Legal Profession Act (Cap. 161) or is a solicitor.

(3) Notwithstanding any provision of any written law to the contrary, the Director and every Deputy Director or Assistant Director of Legal Aid shall, for the purposes of this Act, have the right to appear and plead in all courts of justice in Singapore according to the law in force in such courts.

(4) The Director and every Deputy Director or Assistant Director of Legal Aid shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

### **Panels of solicitors**

4.—(1) The Director shall prepare and maintain panels of solicitors willing —

- (a) to investigate, report and give an opinion upon applications for the grant of legal aid under this Act or Part IV of the International Child Abduction Act (Cap. 143C);
- (b) to act for persons receiving legal aid under this Act or Part IV of the International Child Abduction Act; and
- (c) to give legal advice under the provisions of this Act or Part IV of the International Child Abduction Act,

and there may be separate panels for different purposes and for different courts.

[27/2010]

(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).

[6/2013]

(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 to 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.

[6/2013]

(3) Where a solicitor is aggrieved by any decision excluding or removing him (whether permanently or temporarily) from the panels or any of them, he may appeal against the decision to a judge of the High Court and the judge (whose decision shall be final) may confirm or quash the decision appealed against or may substitute such decision as he thinks fit.

[6/2013]

(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.

[6/2013]

(5) Subject to any regulations made under this Act, the Director shall pay to a solicitor investigating and reporting, or giving an opinion, upon applications for the grant of legal aid or acting for persons receiving legal aid or giving legal advice under the provisions of this Act or Part IV of the International Child Abduction Act such fees as may be agreed between the Director and the solicitor.

[27/2010]

## PART II