

Legal Aid and Advice Bill

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Bill No: 15/1995

Read the first time: 15th March 1995

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Legal Aid and Advice Bill

Bill No. 15/1995

Read the first time on 15th March 1995.

An Act to repeal and re-enact with amendments the Legal Aid and Advice Act (Chapter 160 of the 1985 Revised Edition).

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

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Legal Aid and Advice Act 1995 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“aided person” means a person who has been granted a certificate stating that he is granted legal aid under this Act and, where such a person is an infant, includes his guardian;

“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];

“guardian”, in relation to an infant, includes any person whom the Director considers might properly be appointed to be the next friend or guardian ad litem of the infant;

“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;

“legal aid certificate” means a legal aid certificate granted under section 8(2);

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

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;
- (b) to act for persons receiving legal aid; and
- (c) to give legal advice under the provisions of this Act,

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

(2) Any solicitor shall be entitled to have his name on the panels or any of them unless there is good reason for excluding him arising out of his conduct when acting or assigned to act for persons receiving legal aid or his professional conduct generally.

(3) Where a solicitor is aggrieved by any decision excluding 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.

(4) Subject to section 15(2), any solicitor may at any time request the Director to remove his name from the panels or any of them and the Director shall comply with such request.

(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 such fees as may be agreed between the Director and the solicitor.

PART II

LEGAL AID IN CIVIL ACTIONS

Scope and general conditions of legal aid in civil actions

5.—(1) Subject to this Part, legal aid may be given to citizens and permanent residents of Singapore in any civil proceedings of a description mentioned in Part I of the First Schedule; and no legal aid shall be given in any of the proceedings mentioned in Part II of the First Schedule.

(2) The proceedings in connection with which legal aid may be given may be varied by regulations made under this Act and the regulations may describe the proceedings to be included or excluded by reference to the court or tribunal, to the issues involved, to the capacity in which the person requiring legal aid is concerned, or otherwise.

(3) Regulations made for the purpose of this section shall not provide for giving legal aid in connection with any proceedings before any court or tribunal before which persons have no right and are not normally allowed to be represented by a solicitor.

(4) In this section, “permanent resident” means any person who is not subject to any restrictions as to his period of residence in Singapore imposed under any written law relating to immigration for the time being in force in Singapore.

Application for legal aid

6.—(1) Any person who (whether in his own right or in a representative capacity) desires to be granted legal aid shall make application in that behalf to the Director; and every such application shall be accompanied by a statutory declaration verifying the facts