IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGDC 162

District Court Bill of Costs No 4 of 2026

Between

Achievers LLC

… *Applicant*

And

Legal Aid Bureau

… *Respondent*

GROUNDS OF DECISION

[Courts and Jurisdiction] — [District Court] — [Assessment of bill of costs]
[Legal Profession] — [Bill of costs]
[Statutory Interpretation] — [Construction of statute] — [Purposive approach]

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Achievers LLC
v
Legal Aid Bureau

[2026] SGDC 162

District Court — District Court Bill of Costs No 4 of 2026
Deputy Registrar Don Ho
18 March, 15 April 2026

12 May 2026

Deputy Registrar Don Ho:

Introduction

1 DC/BCS 4/2026 ("BCS 4") was an application by Achievers LLC ("the Applicant") to assess a bill of costs it had delivered to the Legal Aid Bureau ("the Respondent") for work done in Syariah Court Summons No 61241 for a legally aided person's divorce proceedings in the Syariah Court ("the Bill of Costs").

2 Of central concern was whether the BCS 4 ought to have been brought in the District Court or the Syariah Court. I found that the District Court had the jurisdiction to hear and determine BCS 4 and proceeded to assess costs. These are the full grounds of my decision, released to clarify that such applications may be filed in the District Court.

Background facts

3 BCS 4 was filed on 4 March 2026, where the Applicant sought to claim a total sum of $8,570 for work it had done in Syariah Court Summons No 61241. Pursuant to reg 15 of the Legal Aid and Advice Regulations (1995 Rev Ed) ("LAAR"), an assessment of the Bill of Costs is necessary for solicitors instructed by the Respondent to act for legally aided persons. The following documents were also filed: (a) a letter dated 27 January 2026 from the Respondent to the Applicant where the Respondent consented to the sum of $8,570 to be assessed; and (b) a Provisional Grant of Aid from the Respondent dated 27 January 2026 issued pursuant to reg 7 of the LAAR.

4 BCS 4 was first heard on 18 March 2026, where counsel for the Applicant had mentioned on behalf of the Respondent. However, during the hearing, the Deputy Registrar expressed his concerns on whether the District Court had the jurisdiction to assess BCS 4 or if the Bill of Costs should instead have been filed in the Syariah Court, as the underlying matter, namely, Syariah Court Summons No 61241, was a proceeding in the Syariah Court. The hearing was accordingly adjourned for counsel for the Applicant to conduct further research.

5 Subsequently, I heard BCS 4 on 15 April 2026.

My decision

6 Regulation 15(2) of the LAAR was relevant. This reads:

> **Costs payable to solicitors**
>
> **15**.— …
>
> (2) Where in any proceedings to which an aided person is a party, proceedings are, or have been, brought to an end without a direction having been given as to the aided person's costs

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> being assessed as between solicitor and client in accordance with paragraph (1)(*a*), the aided person's costs shall be so assessed —
>
> > (*a*) in the court in which the proceedings were heard; or
> >
> > (*b*) if the court in which the proceedings were heard has no power to award costs, then —
> >
> > > (i) in the case of a claim for costs not exceeding $50,000, in the State Courts; or
> > >
> > > (ii) in the case of a claim for costs exceeding $50,000, in the General Division of the High Court,
>
> and the costs of the assessment shall be deemed to be costs in the proceedings to which the Grant of Aid relates.

7 It was immediately apparent that reg 15(2) of the LAAR presents a dichotomy as to which court should assess an aided person's costs. The default position is it should be assessed "in the court in which the proceedings were heard" (reg 15(2)(*a*)), *ie*, the Syariah Court in the present matter. However, if the Syariah Court "has no power to award costs", the aided person's costs shall be assessed in the State Courts or the General Division of the High Court, depending on the value of the claim for costs (reg 15(2)(*b*)).

Costs in the Syariah Court

8 The next question was therefore whether the Syariah Court has the power to *award* costs. The answer is clearly "yes", although it does not immediately follow that the Syariah Court has the power to *assess* a solicitor's bill of costs. The only relevant statutory provisions concerning costs in the Syariah Courts are s 53B of the Administration of Muslim Law Act 1966 (2020 Rev Ed) ("AMLA") and r 31 of the Muslim Marriage and Divorce Rules (Cap 3, R 1, 2001 Rev Ed) ("MMDR"). Section 53B of the AMLA reads:

> **Costs**

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> **53B.** The Court may order any party to pay any costs of any proceedings under this Part, including travelling and subsistence expenses of the parties and witnesses, and is to itself assess the amount of any costs so ordered to be paid.

9 In interpreting a statutory provision, the provision must be read harmoniously with the statutory context in which it is found as well as the objects and purposes underlying that statutory context: *Dorsey James Michael v World Sport Group Pte Ltd* [2013] 3 SLR 354 at [21]; *Constitutional Reference No 1 of 1995* [1995] 1 SLR(R) 803 ("*Constitutional Reference No 1 of 1995*") at [44]. Section 53B of the AMLA confers on the Syariah Court the power to make party-and-party costs orders. The term "assess" should be read in the context of "the amount of any costs so ordered", as it follows that a court empowered to make such costs orders must also be able to assess the quantum. Section 53B of the AMLA does not, in my view, concern the assessment of a solicitor's bill of costs at all.

10 It is, therefore, unsurprising that the subsidiary legislation made pursuant to the AMLA, namely, r 31 of the MMDR, concerns only party-and-party costs. This provision reads:

> **Costs**
>
> **31**.—(1) A party to any proceedings is not entitled to recover any costs of or incidental to the proceedings from any other party to the proceedings except under an order of the Court.
>
> (2) If the Court in its discretion sees fit to make any order as to the costs of or incidental to any proceedings, the Court must order the costs to follow the event, except when it appears to the Court that in the circumstances of the case some other order should be made as to the whole or any part of the costs.
>
> (3) The Court may, in an appropriate case, order a solicitor acting for a party in any proceedings in the Court to bear the solicitor's costs personally.
>
> (4) In making an order under this rule, the Court may have regard to any practice applicable to civil proceedings in any court.

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> (5) In this rule, "costs" includes any fees, charges, disbursements, expenses and remuneration of any of the parties to the proceedings, witnesses and any intervener joined by the Court under rule 16(1).

11 It is clear from the provision as a whole that nothing in r 31 concerns the Syariah Court's powers to *assess* a bill of costs delivered by a solicitor. Instead, it deals with the Syariah Court's powers to make costs orders, including adverse costs orders against a solicitor (r 31(3)). Although r 31(4) of the MMDR allows the Syariah Court to "have regard to any practice applicable to civil proceedings in any court", this is limited by the operative words, "[i]n making an order under this rule".

12 It is also appropriate to refer to the statutory scheme underlying the recovery and assessment of solicitor-and-client costs in Singapore. The relevant provision in the assessment of a solicitor's bill of costs is provided under s 120 of the Legal Profession Act 1966 (2020 Rev Ed) ("LPA"), which is in turn located in Part 9 of the LPA. Section 120 reads:

> **Order for assessment of delivered bill of costs**
>
> **120**.—(1) An order for the assessment of a bill of costs delivered by any solicitor may be obtained on an application made by originating application or, where there is a pending action, by summons by the party chargeable therewith, or by any person liable to pay the bill either to the party chargeable or to the solicitor, at any time within 12 months from the delivery of the bill, or, by the solicitor, after the expiry of one calendar month and within 12 months from the delivery of the bill.
>
> (2) The order is to contain such directions and conditions as the court thinks proper, and any party aggrieved by any such order may apply by summons that the order be amended or varied.
>
> (3) In any case where a solicitor and his or her client consent to assessment of a solicitor's bill, the Registrar may proceed to assess the bill even though there is no order therefor.
>
> …

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The relevant provision in the present case was s 120(3) of the LPA as the Respondent had consented for the Bill of Costs to be assessed by its letter dated 27 January 2026 to the Applicant.

13 Crucially, the words "court" and "Registrar" in s 120 are positively defined in s 116(1) of the LPA, and do not include the Syariah Court or its registrar:

> **Interpretation and application of this Part**
>
> **116**.—(1) In this Part —
>
> "court" means the General Division of the High Court, a Family Court, a District Court or a Magistrate's Court, and includes the Registrar;
>
> "Registrar" means the Registrar of the Supreme Court, the registrar of the Family Justice Courts or the registrar of the State Courts, and includes —
>
> (*a*) the Deputy Registrar or an Assistant Registrar of the Supreme Court;
>
> (*b*) the deputy registrar or an assistant registrar of the Family Justice Courts; and
>
> (*c*) a deputy registrar of the State Courts;
>
> …

Of relevance is also s 116(2)(*a*) of the LPA, which states that Part 9 applies "to all remuneration and costs received by a Singapore law practice or a solicitor practising in a Singapore law practice …". Moreover, nothing in the AMLA suggests that the Syariah Court has been conferred the jurisdiction to assess a solicitor's bill of costs. Nor, in light of the express provisions of the LPA, would it be possible to imply that the Syariah Court has any inherent jurisdiction or power to do so.

14 Accordingly, it did not appear to me that the Syariah Court has the power to assess a solicitor's bill of costs. For the avoidance of doubt, this conclusion

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was reached solely in the context of determining whether the District Court has jurisdiction to assess the Bill of Costs and ought not to be construed as a definitive pronouncement on the jurisdiction and/or powers of the Syariah Court. It would not be appropriate for a District Court to make such a pronouncement.

The proper interpretation of reg 15(2)

15 I return to reg 15(2) of the LAAR, which concerns the assessment of costs payable to solicitors engaged by the Respondent to provide legal aid. On a plain and literal reading, reg 15(2) requires that a bill of costs be assessed at a court which has no power to do so, so long as that court has the power to *award* costs. In my view, such a literal interpretation of reg 15(2) would lead to an unworkable or impracticable result and should be eschewed: *Hong Leong Bank Bhd v Soh Seow Poh* [2009] 4 SLR(R) 525 at [40]; *Tan Cheng Bock v Attorney-General* [2017] 2 SLR 850 at [38].

16 In *Constitutional Reference No 1 of 1995* at [47], the Constitutional Tribunal approved of the following passage by Dawson J in *Mills v Meeking* (1990) 169 CLR 214 concerning s 35 of the Interpretation of Legislation Act 1984 of Victoria (that provision corresponds to s 9A of the Interpretation Act 1965 (2020 Rev Ed) ("Interpretation Act") which sets out the principle of purposive interpretation):

> … the approach required by s 35 needs no ambiguity or inconsistency; it allows a court to consider the purposes of an Act in determining whether there is more than one possible construction. ***Reference to the purposes may reveal that the draftsman has inadvertently overlooked something which he would have dealt with had his attention been drawn to it and if it is possible as a matter of construction to repair the defect, then this must be done.***
>
> [emphasis added in bold italics]

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17 The words in bold italics above refer to the principle of rectifying construction. This principle is founded on the basis of rectifying "obvious drafting errors" and "plain cases of drafting mistakes" on the part of the legislature: *Wong Souk Yee v Attorney-General* [2019] 1 SLR 1223 at [63]. Under this approach, the court may add or *substitute* words to give effect to the legislative intention: *Nam Hong Construction & Engineering Pte Ltd v Kori Construction (S) Pte Ltd* [2016] 4 SLR 604 ("*Nam Hong*") at [54]. The test for when the adoption of a rectifying construction is permitted was summarised by the Court of Appeal in *Nam Hong* at [55] (I have substituted references to "Parliament" with "the lawmaker" since reg 15(2) of the LAAR is subsidiary legislation made by the executive):

> (a) first, it was possible to determine from a consideration of the provisions of the legislation read as a whole what the mischief was that the lawmaker sought to remedy with the legislation;
>
> (b) second, it was apparent that the draftsman and the lawmaker had by inadvertence overlooked, and so omitted to deal with, the eventuality that was required to be dealt with so that the purpose of the legislation could be achieved; and
>
> (c) third, it was possible to state with certainty what the additional or substituted words would be that the draftsman would have inserted and that the lawmaker would have approved had their attention been drawn to the omission.

As explained recently by a three-member *coram* of the General Division of the High Court in *Kenneth Lum Hsien Loong v Public Prosecutor* [2026] SGHC 89, the three requirements in *Nam Hong* should be applied in situations where "certain words should be added or substituted to correct a clear oversight". This

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is to "ensure that the court remains faithful to [the legislative] intent and does not rewrite the statute in any manner the court deems fit" (at [36]).

18 In my judgment, all three requirements were satisfied. It was clear that the purport of reg 15 of the LAAR, when read as a whole, concerns the specific situation of the assessment of a legal aid solicitor's bill of costs, and not the court's power to award costs generally. As I have alluded to at [12]–[13] above, there is no question that the jurisdiction to assess a solicitor's bill is vested exclusively in "the General Division of the High Court, a Family Court, a District Court or a Magistrate's Court". Sections 116 and 120 of the LPA do not envisage the assessment of a solicitor's bill in any other court or tribunal such as the Syariah Court.

19 As mentioned at [15] above, a literal interpretation of reg 15(2) would lead to the unworkable result of requiring a court which has the power to award party-and-party costs but not the power to assess a solicitor's bill of costs to so assess that bill. Such a construction would also be contrary to primary legislation. Section 19(*c*) of the Interpretation Act mandates that "subsidiary legislation made under an Act must not be inconsistent with the provisions of *any* Act [emphasis added]." If a subsidiary legislation is inconsistent with any primary legislation, it would be *ultra vires* and ineffective: *Augustine Zacharia Norman and another v Goh Siam Yong* [1992] 1 SLR(R) 746 at [6]. Accordingly, if reg 15(2) purports to require a bill of costs to be assessed at any other court, including a Syariah Court, it would be *ultra vires* s 120 of the LPA.

20 In the circumstances, pursuant to the principle of rectifying construction, I substituted the word "award" in reg 15(2)(*b*) of the LAAR with "assess". Therefore, "if the court in which the proceedings were heard has no power to [assess] costs", "the aided person's costs shall be so assessed" in the State

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Courts or General Division of the High Court, as the case may be. In other words, a proper construction of reg 15(2) of the LAAR requires a legally aided person's costs, being assessed as between solicitor and client for work done in proceedings in the Syariah Court, to be assessed in the State Courts or General Division of the High Court, as the case may be.

Conclusion

21 Having been satisfied that the District Court had the jurisdiction to hear and determine BCS 4, I proceeded to assess the Bill of Costs and allowed BCS 4 as drawn.

Don Ho
Deputy Registrar

Mohamed Ibrahim (Achievers LLC) for the applicant;
The respondent mentioned by the applicant's counsel.

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