



Courts Act 2003

2003 CHAPTER 39

PART 8

MISCELLANEOUS

Fees and costs

94 Award of costs in appeals under Proceeds of Crime Act 2002

- (1) Amend the Proceeds of Crime Act 2002 (c. 29) as follows.
- (2) In section 89 (procedure on appeal to the Court of Appeal), after subsection (3) insert—
 - “(4) Subject to any rules made under section 91, the costs of and incidental to all proceedings on an appeal to the criminal division of the Court of Appeal under—
 - (a) section 43(1) or (2) (appeals against orders made in restraint proceedings), or
 - (b) section 65 (appeals against, or relating to, the making of receivership orders),are in the discretion of the court.
 - (5) Such rules may in particular make provision for regulating matters relating to the costs of those proceedings, including prescribing scales of costs to be paid to legal or other representatives.
 - (6) The court shall have full power to determine by whom and to what extent the costs are to be paid.
 - (7) In any proceedings mentioned in subsection (4), the court may—
 - (a) disallow, or
 - (b) (as the case may be) order the legal or other representative concerned to meet,

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the whole of any wasted costs or such part of them as may be determined in accordance with rules under section 91.

- (8) In subsection (7) “wasted costs” means any costs incurred by a party—
- (a) as a result of any improper, unreasonable or negligent act or omission on the part of any legal or other representative or any employee of such a representative, or
 - (b) which, in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay.
- (9) “Legal or other representative”, in relation to a party to proceedings means any person exercising a right of audience or right to conduct litigation on his behalf.”
- (3) Subsection (2) applies in relation to proceedings on appeals in respect of offences committed or alleged to have been committed on or after 24th March 2003.
- (4) In section 91 (Crown Court Rules) after “Crown Court Rules” insert “ or (as the case may be) Criminal Appeal Rules ”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))