



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 1

#### LEGAL AID

##### *Contributions and costs*

#### **26 Costs in civil proceedings**

- (1) Costs ordered against an individual in relevant civil proceedings must not exceed the amount (if any) which it is reasonable for the individual to pay having regard to all the circumstances, including—
  - (a) the financial resources of all of the parties to the proceedings, and
  - (b) their conduct in connection with the dispute to which the proceedings relate.
- (2) In subsection (1) “relevant civil proceedings”, in relation to an individual, means—
  - (a) proceedings for the purposes of which civil legal services are made available to the individual under this Part, or
  - (b) if such services are made available to the individual under this Part for the purposes of only part of proceedings, that part of the proceedings.
- (3) Regulations may make provision for exceptions from subsection (1).
- (4) In assessing for the purposes of subsection (1) the financial resources of an individual to whom civil legal services are made available, the following must not be taken into account, except so far as prescribed—
  - (a) the individual’s clothes and household furniture, and
  - (b) the implements of the individual’s trade.

- (5) Subject to subsections (1) to (4), regulations may make provision about costs in relation to proceedings for the purposes of which civil legal services are made available under this Part.
- (6) Regulations under subsection (5) may, in particular, make provision—
- (a) specifying the principles to be applied in determining the amount of any costs which may be awarded against a party to whom civil legal services are made available under this Part,
  - (b) limiting the circumstances in which, or the extent to which, an order for costs may be enforced against such a party,
  - (c) as to the cases in which, and the extent to which, such a party may be required to give security for costs and the manner in which it is to be given,
  - (d) requiring the payment by the Lord Chancellor of the whole or part of any costs incurred by a party to whom civil legal services are not made available under this Part,
  - (e) specifying the principles to be applied in determining the amount of costs which may be awarded to a party to whom civil legal services are made available under this Part,
  - (f) as to the court, tribunal or other person by whom the amount of any costs is to be determined, and
  - (g) as to the extent to which any determination of that amount is to be final.
- (7) Regulations may provide that an individual is to be treated, for the purposes of subsection (1) or regulations under subsection (3) or (5), as having or not having financial resources of a prescribed description (but such regulations have effect subject to subsection (4)).
- (8) Regulations under subsection (7) may, in particular, provide that the individual is to be treated as having prescribed financial resources of a person of a prescribed description.
- (9) Regulations under this section may include provision requiring information and documents to be provided.