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STATUTORY INSTRUMENTS

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**1986 No. 1335**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Costs in Criminal Cases (General) Regulations 1986**

<i>Made</i>	- - - -	<i>28th July 1986</i>
<i>Laid before Parliament</i>		<i>11th August 1986</i>
<i>Coming into Operation</i>		<i>1st October 1986</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 19 and 20 of the Prosecution of Offences Act 1985, hereby makes the following Regulations:—

**PART I**  
**PRELIMINARY**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Costs in Criminal Cases (General) Regulations 1986 and shall come into operation on 1st October 1986.

(2) In these Regulations, “the Act” means the Prosecution of Offences Act 1985 and expressions which are defined by regulations 4 and 15 have the meanings assigned to them by those regulations for the purposes of Parts III and V respectively of these Regulations.

**Revocations**

2.—(1) Subject to the provisions of this regulation, the Costs in Criminal Cases (Central Funds) (Appeals) Regulations 1977(1) and the Costs in Criminal Cases (Allowances) Regulations 1977 shall be revoked.

(2) The revocation by paragraph (1) of the regulations mentioned in that paragraph shall not affect any review or appeal or the making of any allowance in respect of proceedings instituted by or on behalf of any of the authorities mentioned in paragraph (3) before 1st April 1986 which are not concluded by 1st October 1986.

(3) The authorities referred to in paragraph (2) are—

- (a) a police force (within the meaning of section 3 of the Act);

- (b) a government department (other than the Crown Prosecution Service);
  - (c) a local authority or other authority or body constituted for purposes of—
    - (i) the public service or of local government; or
    - (ii) carrying on under national ownership any industry or undertaking or part of an industry or undertaking; or
  - (d) any other authority or body whose members are appointed by Her Majesty or by any Minister of the Crown or government department or whose revenues consist wholly or mainly of money provided by Parliament.
- (4) Paragraph (2) shall not have effect where the conduct of proceedings to which the paragraph applies is taken over by the Crown Prosecution Service on or before 1st October 1986.

## PART II

### COSTS UNNECESSARILY OR IMPROPERLY INCURRED

#### **Unnecessary or improper acts and omissions**

3.—(1) Subject to the provisions of this regulation, where at any time during criminal proceedings—

- (a) a magistrates' court,
- (b) the Crown Court, or
- (c) the Court of Appeal

is satisfied that costs have been incurred in respect of the proceedings by one of the parties as a result of an unnecessary or improper act or omission by, or on behalf of, another party to the proceedings, the court may, after hearing the parties, order that all or part of the costs so incurred by that party shall be paid to him by the other party.

(2) Before making an order under paragraph (1), the court shall take into account any other order as to costs (including any legal aid order) which has been made in respect of the proceedings.

(3) An order made under paragraph (1) shall specify the amount of costs to be paid in pursuance of the order.

(4) Where an order under paragraph (1) has been made, the court may take that order into account when making any other order as to costs in respect of the proceedings.

(5) No order under paragraph (1) shall be made by a magistrates' court which requires a person under the age of seventeen who has been convicted of an offence to pay an amount by way of costs which exceeds the amount of any fine imposed on him.

## PART III

### COSTS OUT OF CENTRAL FUNDS

#### **Application and definitions**

4. This Part of these Regulations applies to costs payable out of central funds in pursuance of an order made under or by virtue of Part II of the Act and in this Part of these Regulations—

- “applicant” means the person in whose favour a costs order has been made;
- “appropriate authority” has the meaning assigned to it by regulation 5;

“costs order” means an order made under or by virtue of Part II of the Act for the payment of costs out of central funds;

“disbursements” do not include any payment made out of central funds to a witness, interpreter or medical practitioner in accordance with Part V of these Regulations;

“presiding judge” means the judge who presided at the hearing in respect of which the costs are payable; and

“taxing master” means a taxing master of the Supreme Court.

### **The appropriate authority**

**5.—(1)** Costs shall be determined by the appropriate authority in accordance with these Regulations.

(2) Subject to paragraph (3), the appropriate authority shall be—

- (a) the registrar of criminal appeals in the case of proceedings in the Court of Appeal,
- (b) the master of the Crown Office in the case of proceedings in a Divisional Court of the Queen's Bench Division,
- (c) an officer appointed by the Lord Chancellor in the case of proceedings in the Crown Court,
- (d) the justices' clerk in the case of proceedings in a magistrates' court.

(3) The appropriate authority may appoint or authorise the appointment of determining officers to act on its behalf under these Regulations in accordance with directions given by it or on its behalf.

### **Claims for costs**

**6.—(1)** Subject to regulation 12, no claim for costs shall be entertained unless it is submitted within three months of the date on which the costs order was made.

(2) Subject to paragraph (3), a claim for costs shall be submitted to the appropriate authority in such form and manner as it may direct and shall be accompanied by any receipts or other documents in support of any disbursements claimed.

(3) A claim shall—

- (a) summarise the items of work done by a solicitor;
- (b) state, where appropriate, the dates on which items of work were done, the time taken and the sums claimed, and
- (c) specify any disbursements claimed, including counsel's fees, the circumstances in which they were incurred and the amounts claimed in respect of them.

(4) Where there are any special circumstances which should be drawn to the attention of the appropriate authority, the applicant shall specify them.

(5) The applicant shall supply such further particulars, information and documents as the appropriate authority may require.

### **Determination of costs**

**7.—(1)** The appropriate authority shall consider the claim, any further particulars, information or documents submitted by the applicant under regulation 6 and shall allow such costs in respect of—

- (a) such work as appears to it to have been actually and reasonably done; and
- (b) such disbursements as appear to it to have been actually and reasonably incurred,

as it considers reasonably sufficient to compensate the applicant for any expenses properly incurred by him in the proceedings.

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(2) In determining costs under paragraph (1) the appropriate authority shall taken into account all the relevant circumstances of the case including the nature, importance, complexity or difficulty of the work and the time involved.

(3) When determining costs for the purposes of this regulation, there shall be allowed a reasonable amount in respect of all costs reasonably incurred and any doubts which the appropriate authority may have as to whether the costs were reasonably incurred or were reasonable in amount shall be resolved against the applicant.

### **Payment of costs**

**8.—**(1) Having determined the costs payable to an applicant in accordance with these Regulations, the appropriate authority shall notify the applicant of the costs payable and authorise payment accordingly.

(2) Where the costs payable under paragraph (1) are varied as a result of a redetermination under regulation 9, an appeal to a taxing master under regulation 10, or an appeal to the High Court under regulation 11, then—

- (a) where the costs are increased, the appropriate authority shall authorise payment of the increase;
- (b) where the costs are decreased, the applicant shall repay the amount of such decrease; and
- (c) where the payment of the costs of an appeal is ordered under regulation 10(14) or 11(8), the appropriate authority shall authorise such payment to the applicant.

### **Redetermination of costs by an appropriate authority**

**9.—**(1) An applicant who is dissatisfied with the costs determined under these Regulations by an appropriate authority in respect of proceedings other than proceedings before a magistrates' court may apply to the appropriate authority to redetermine them.

(2) Subject to regulation 12, the application shall be made, within 21 days of the receipt of notification of the costs payable under regulation 8(1), by giving notice in writing to the appropriate authority specifying the items in respect of which the application is made and the grounds of objection and shall be made in such form and manner as the appropriate authority may direct.

(3) The notice of application shall state whether the applicant wishes to appear or to be represented and, if the applicant so wishes, the appropriate authority shall notify the applicant of the time at which it is prepared to hear him or his representative.

(4) The notice of application shall be accompanied by any particulars, information and documents supplied under regulation 6 and the applicant shall supply such further particulars, information and documents as the appropriate authority may require.

(5) The appropriate authority shall redetermine the costs, whether by way of increase, decrease or at the level previously determined, in the light of the objections made by the applicant or on his behalf and shall notify the applicant of its decision.

(6) The applicant may request the appropriate authority to give reasons in writing for its decision and, if so requested, the appropriate authority shall comply with the request.

(7) Subject to regulation 12, any request under paragraph (6) shall be made within 21 days of receiving notification of the decision.

### **Appeals to a taxing master**

**10.—**(1) Where the appropriate authority has given its reasons for its decision on a redetermination under regulation 9, an applicant who is dissatisfied with that decision may appeal to a taxing master.

(2) Subject to regulation 12, an appeal shall be instituted within 21 days of the receipt of the appropriate authority's reasons by giving notice in writing to the Chief Taxing Master specifying the items in respect of which the appeal is brought and the grounds of objection.

(3) The appellant shall send a copy of any notice given under paragraph (2) to the appropriate authority.

(4) The notice of appeal shall be accompanied by—

- (a) a copy of the written notice given under regulation 9(2);
- (b) any particulars, information and documents supplied to the appropriate authority under regulation 9, and
- (c) the appropriate authority's reasons for its decision given under regulation 9(6).

(5) The notice of appeal shall state whether the appellant wishes to appear or to be represented or whether he will accept a decision given in his absence.

(6) The Chief Taxing Master may, and if so directed by the Lord Chancellor either generally or in a particular case shall, send to the Lord Chancellor a copy of the notice of appeal together with copies of such other documents as the Lord Chancellor may require.

(7) With a view to ensuring that the public interest is taken into account, the Lord Chancellor may arrange for written or oral representations to be made on his behalf and, if he intends to do so, he shall inform the Chief Taxing Master and the appellant.

(8) Any written representations made on behalf of the Lord Chancellor under paragraph (7) shall be sent to the Chief Taxing Master and to the appellant and, in the case of oral representations, the Chief Taxing Master and the appellant shall be informed of the grounds on which such representations will be made.

(9) The appellant shall be permitted a reasonable opportunity to make representations in reply.

(10) The taxing master shall inform the appellant (or his representative) and the Lord Chancellor, where representations have been or are to be made on his behalf, of the date of any hearing and, subject to the provisions of this regulation, may give directions as to the conduct of the appeal.

(11) The taxing master may consult the presiding judge, and the appropriate authority or the determining officer who redetermined the costs on its behalf as the case may be, and may require the appellant to provide any further information which he requires for the purpose of the appeal and, unless the taxing master otherwise directs, no further evidence shall be received on the hearing of the appeal and no ground of objection shall be valid which was not raised on the redetermination under regulation 9.

(12) The taxing master shall have the same powers as the appropriate authority under these Regulations and, in the exercise of such powers, may alter the redetermination of the appropriate authority in respect of any sum allowed, whether by increase or decrease, as he thinks fit.

(13) The taxing master shall communicate his decision and the reasons for it in writing to the appellant, the Lord Chancellor, and the appropriate authority or the determining officer who redetermined the costs on its behalf as the case may be.

(14) Save where he confirms or decreases the sums redetermined under regulation 9, the taxing master may allow the appellant a sum in respect of part or all of any reasonable costs (including any fee payable in respect of an appeal) incurred by him in connection with the appeal.

### **Appeals to the High Court**

**11.—**(1) An applicant who is dissatisfied with the decision of a taxing master on an appeal under regulation 10 may apply to a taxing master to certify a point of principle of general importance.

(2) Subject to regulation 12, an application under paragraph (1) shall be made within 21 days of notification of a taxing master's decision under regulation 10(13).

(3) Where a taxing master certifies a point of principle of general importance, the applicant may appeal to the High Court against the decision of a taxing master on an appeal under regulation 10, and the Lord Chancellor shall be a respondent to the appeal.

(4) Subject to regulation 12, an appeal under paragraph (3) shall be instituted within 21 days of receiving a taxing master's certificate under paragraph (1).

(5) Where the Lord Chancellor is dissatisfied with the decision of a taxing master on an appeal under regulation 10 he may, if no appeal has been made by the applicant under paragraph (3), appeal to the High Court against that decision and the applicant shall be a respondent to the appeal.

(6) Subject to regulation 12, an appeal under paragraph (5) shall be instituted within 21 days of receiving notification of the taxing master's decision under regulation 10(13).

(7) An appeal under paragraphs (3) and (5) shall be instituted by an originating summons in the Queen's Bench Division and shall be heard and determined by a single judge whose decision shall be final.

(8) The judge shall have the same powers as the appropriate authority and a taxing master under these Regulations and may reverse, affirm or amend the decision appealed against or make such other order as he thinks fit.

### **Time limits**

**12.**—(1) Subject to paragraph (2), the time limit within which there must be made or instituted—

- (a) a claim for costs by an applicant under regulation 6, an application for a redetermination under regulation 9, or a request for an appropriate authority to give reasons for its decision on a redetermination under regulation 9;
- (b) an appeal to a taxing master under regulation 10 or an application for a certificate under regulation 11; or
- (c) an appeal to the High Court under regulation 11;

may, for good reason, be extended by the appropriate authority, the Chief Taxing Master or the High Court, as the case may be.

(2) Where an applicant without good reason has failed (or, if an extension were not granted, would fail) to comply with a time limit, the appropriate authority, the Chief Taxing Master or the High Court, as the case may be, may, in exceptional circumstances, extend the time limit.

(3) An applicant may appeal to the Chief Taxing Master against a decision made under this regulation by an appropriate authority in respect of proceedings other than proceedings before a magistrates' court and such an appeal shall be instituted within 21 days of the decision being given by giving notice in writing to the Chief Taxing Master specifying the grounds of appeal.

### **House of Lords**

**13.**—(1) In the case of proceedings in the House of Lords, the costs payable to any person under section 16(5) or 17(1) of the Act shall be determined by such officer as may be prescribed by order of the House of Lords.

(2) Subject to paragraph (1), this Part of these Regulations shall not apply to proceedings in the House of Lords.

## PART IV

### MISCELLANEOUS APPLICATIONS OF THE ACT

#### Application of sections 16, 17 and 18 of the Act

**14.**—(1) Sections 17 and 18 of the Act shall apply to proceedings in the Crown Court in respect of a person committed by a magistrates' court to that Court—

- (a) with a view to his being sentenced for an indictable offence in accordance with section 42 of the Powers of Criminal Courts Act 1973(2); or
- (b) with a view to his being sentenced by the Crown Court under section 6(6) or 9(3) of the Bail Act 1976(3) or
- (c) with a view to the making of a hospital order with an order restricting his discharge under Part III of the Mental Health Act 1983,

as they apply where a person is convicted in proceedings before the Crown Court.

(2) Section 18 of the Act shall apply to proceedings in the Crown Court—

- (a) in respect of a person committed by a magistrates' court as an incorrigible rogue under section 5 of the Vagrancy Act 1824(4) as if he were committed for trial before the Crown Court and as if the committing court were examining justices; and
- (b) in respect of an appeal under section 14 of the Vagrancy Act 1824(5) as if the hearing of the appeal were a trial on indictment and as if the magistrates' court from which the appeal was brought were examining justices.

(3) Section 18 of the Act shall apply to proceedings in a magistrates' court or the Crown Court—

- (a) for dealing with an offender under section 6, 8 or 10 of the Powers of Criminal Courts Act 1973(6) (probation orders and orders for conditional discharge);
- (b) under section 16 or 17 of the Powers of Criminal Courts Act 1973(7) (community service orders);
- (c) under section 23(1) or 27 of the Powers of Criminal Courts Act 1973(8) or section 47 of the Criminal Law Act 1977(9) for dealing with an offender in respect of a suspended or partially suspended sentence or for breach of a suspended sentence supervision order; or
- (d) under section 19(5) of the Criminal Justice Act 1982 for dealing with an offender in respect of a breach of an attendance centre order,

as if the offender had been tried in those proceedings for the offence for which the order was made or the sentence passed.

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- (2) , section 42 was amended by the Magistrates' Courts Act 1980 (c. 43), Schedule 7, paragraph 121 and by the Criminal Justice Act 1982 (c. 48), Schedule 14, paragraph 34.
  - (3) section 6 was amended by the Criminal Justice Act 1982 (c. 48), sections 37, 38 and 46 and section 9 was amended by the Magistrates' Courts Act 1980 (c. 43), section 32(2).
  - (4) section 5 was amended by the Criminal Justice Act 1948 (c. 58), section 83(3), Schedule 10, by the Criminal Justice Act 1967 (c. 80), Schedule 6, paragraph 1, by the Courts Act 1971 (c. 23), Schedule 8 Part II, paragraph 5 and by the Criminal Justice Act 1982 (c. 48), Schedule 14, paragraph 1.
  - (5) Section 14 was amended by the Courts Act 1971 (c. 23), Schedule 8 Part II, paragraph 5.
  - (6) Section 6 was amended by the Criminal Justice Act 1982 (c. 48), section 39, Schedule 4, Schedule 14, paragraph 30 and by S.I. 1984/447 and section 10 was amended by the Criminal Procedure (Scotland) Act 1975 (c. 21), Schedule 9, paragraph 50.
  - (7) Section 16 was amended by the Criminal Justice Act 1982 (c. 48), section 39, Schedule 4 and by S.I. 1984/447 and section 17 was amended by the Criminal Law Act (c. 45), Schedule 12 and by the Criminal Justice Act 1982 (c. 48), Schedule 12, paragraph 2.
  - (8) Section 23 was amended by the Criminal Justice Act 1982 (c. 48), Schedule 16 and section 27 was amended by the Criminal Justice Act 1982 (c. 48), section 39, Schedule 4 and by S.I. 1984/447.
  - (9) section 47 was amended by the Criminal Justice Act 1982 (c. 48), section 30.

(4) Section 16 of the Act shall apply to proceedings in a magistrates' court or the Crown Court in which it is alleged that an offender required to enter into a recognisance to keep the peace or be of good behaviour has failed to comply with a condition of that recognisance, as if that failure were an indictable offence.

## PART V

### ALLOWANCES TO WITNESSES

#### Definitions

15. In this Part of these Regulations—

“expenses” include compensation to a witness for his trouble or loss of time and out of pocket expenses;

“proceedings in a criminal cause or matter” includes any case in which—

- (a) an information charging the accused with an offence is laid before a justice of the peace for any area but not proceeded with; or
- (b) the accused is committed for trial but not tried;

“professional witness” means a witness practising as a member of the legal or medical profession or as a dentist, veterinary surgeon or accountant who attends to give professional evidence as to matters of fact;

“private prosecutor” means any person in whose favour an order for the payment of costs out of central funds could be made under section 17 of the Act;

“the relevant amount” has the meaning assigned to it by regulation 17;

“witness” means any person properly attending to give evidence, whether or not he gives evidence or is called at the instance of one of the parties or of the court, but does not include—

- (a) a person attending as a witness to character only unless the court has certified that the interests of justice required his attendance;
- (b) a member of a police force attending court in his capacity as such;
- (c) a full-time officer of an institution to which the Prison Act 1952 applies attending court in his capacity as such; or
- (d) a prisoner in respect of any occasion on which he is conveyed to court in custody.

#### General

16.—(1) Where, in any proceedings in a criminal cause or matter in a magistrates' court, the Crown Court, a Divisional Court of the Queen's Bench Division, the Court of Appeal or the House of Lords—

- (a) a witness attends at the instance of the accused, a private prosecutor or the court; or
- (b) an interpreter is required because of the accused's lack of English; or
- (c) a medical practitioner makes a report otherwise than in writing,

the expenses properly incurred by that witness, interpreter or medical practitioner shall be allowed out of central funds in accordance with this Part of these Regulations, unless the court directs that the expenses are not to be allowed out of central funds.



(2) Subject to paragraph (3), any entitlement to an allowance under this Part of these Regulations shall be the same whether the witness, interpreter or medical practitioner attends on the same day in one case or more than one case.

(3) Paragraph (2) shall not apply to allowances under regulation 25.

### **Determination of rates or scales of allowances payable out of central funds**

**17.** The Lord Chancellor shall, with the consent of the Treasury, determine the rates or scales of allowances payable out of central funds to witnesses, interpreters or medical practitioners and a reference in this Part of these Regulations to an allowance not exceeding the relevant amount means an amount calculated in accordance with the rates or scales so determined.

### **Witnesses other than professional or expert witnesses**

**18.—**(1) A witness (other than a witness to whom regulation 19 or 20 applies) may be allowed—

- (a) a loss allowance not exceeding the relevant amount in respect of
  - (i) any expenditure incurred (other than on travelling, lodging or subsistence) to which the witness would not otherwise be subject; or
  - (ii) any loss of earnings or of benefit under the enactments relating to National Insurance; and
- (b) a subsistence allowance not exceeding the relevant amount.

(2) Any other person who in the opinion of the court necessarily attends for the purpose of any proceedings otherwise than to give evidence may be allowed the same allowances under paragraph (1) as if he attended as a witness other than a professional or expert witness.

(3) Paragraph (2) shall not apply to—

- (a) a member of a police force attending court in his capacity as such;
- (b) a full-time officer of an institution to which the Prison Act 1952 applies attending court in his capacity as such, or
- (c) a prisoner in respect of any occasion on which he is conveyed to court in custody.

### **Professional witnesses**

**19.** A professional witness may be allowed a professional witness allowance not exceeding the relevant amount.

### **Expert witnesses etc**

**20.—**(1) The court may make an allowance in respect of an expert witness for attending to give expert evidence and for work in connection with its preparation of such an amount as it may consider reasonable having regard to the nature and difficulty of the case and the work necessarily involved.

(2) Paragraph (1) shall apply, with the necessary modifications, to—

- (a) an interpreter, or
- (b) a medical practitioner who makes a report otherwise than in writing for the purpose of section 30 of the Magistrates' Courts Act 1980

as it applies to an expert witness.

### **Night allowances**

**21.**—(1) A professional or expert witness who is necessarily absent from his place of residence overnight may be allowed a night allowance not exceeding the relevant amount.

(2) An interpreter or medical practitioner who receives an allowance under regulation 20 may be allowed the same night allowance as if he attended as a professional or expert witness.

### **Seamen**

**22.**—(1) A seaman who is detained on shore as a witness may be allowed—

- (a) an allowance not exceeding the relevant amount in respect of any loss of earnings, unless for special reasons the court allows a greater sum; and
- (b) an allowance not exceeding the sum actually and reasonably incurred for his maintenance, for the time during which he is necessarily detained on shore.

(2) No allowance shall be paid under regulation 18 to a seaman who is paid an allowance under paragraph (1).

### **Prosecutors and defendants**

**23.** A person in whose favour an order is made under section 16, 17 or 19(4) of the Act may be allowed the same subsistence allowance and travelling expenses as if he attended as a witness other than a professional or expert witness.

### **Travelling expenses**

**24.**—(1) Subject to paragraphs (2) and (3), a witness who travels to or from court by public transport (including by air) may be allowed the fare actually paid.

(2) Unless the court otherwise directs, only the second class fare shall be allowed under paragraph (1) for travel by railway.

(3) A witness who travels to or from court by air may be allowed the fare actually paid only if—

- (a) there was no reasonable alternative to travel by air and the class of fare paid was reasonable in all the circumstances; or
- (b) travel by air was more economical in the circumstances taking into account any savings of time resulting from the adoption of such mode of travel and its consequent effect in reducing the amount of allowances payable under the other provisions of this Part of these Regulations,

and, where the air fare is not allowed, there may be allowed such amount as the court considers reasonable.

(4) A witness who travels to or from court by hired vehicle may be allowed—

- (a) the fare actually paid and any reasonable gratuity so paid in a case of urgency or where public transport is not reasonable available; or
- (b) in any other case, the amount of fare for travel by public transport.

(5) A witness who travels to or from court by private vehicle may be allowed an appropriate private vehicle allowance not exceeding the relevant amount.

(6) Where—

- (a) a witness is in the opinion of the court suffering from a serious illness; or
- (b) heavy exhibits have to be taken to court,

the court may allow reasonable additional sums in excess of those allowed under paragraphs (1) to (5).

(7) An interpreter or a medical practitioner who incurs travelling expenses in providing the court with a report otherwise than in writing may be allowed a travelling allowance not exceeding the relevant amount.

### **Written medical reports**

**25.**—(1) A medical practitioner who makes a written report to a court in pursuance of a request to which section 32(2) of the Criminal Justice Act 1967<sup>(10)</sup> applies may be allowed a medical report allowance not exceeding the relevant amount.

(2) A medical practitioner who makes a report to which paragraph (1) applies and incurs travelling expenses in connection with the preparation of that report may be allowed a travelling allowance not exceeding the relevant amount.

(3) Nothing in this regulation shall apply to a report by the medical officer of an institution to which the Prison Act 1952 applies.

## **PART VI**

### **RECOVERY OF SUMS PAID OUT OF THE LEGAL AID FUND OR CENTRAL FUNDS**

#### **Directions by the Lord Chancellor**

**26.**—(1) The Lord Chancellor shall recover in accordance with directions given by him any sums paid out of the legal aid fund or central funds where a costs order has been made against a party to proceedings in favour of—

- (a) a legally assisted person, or
- (b) a person in whose favour an order for the payment of costs out of central funds has been made.

(2) Directions given by the Lord Chancellor under this regulation may be given generally or in respect of a particular case and may require the payment of sums due under a costs order and stipulate the mode of payment and the person to whom payment is to be made.

#### **Recovery of sums due under a costs order**

**27.** Where the person required to make a payment in respect of sums due under a costs order fails to do so, the payment may be recovered summarily by the Lord Chancellor as a sum adjudged to be paid as a civil debt by order of a magistrates' court.

Dated 28th July 1986

*Hailsham of St. Marylebone, C*

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<sup>(10)</sup> section 32 was amended by the Courts Act 1971 (c. 23), Schedule 6, paragraph 9(1), Schedule 11 Part III, by the Costs in Criminal Cases Act 1973 (c. 14), Schedule 1, paragraph 4, Schedule 2, by the Powers of Criminal Courts Act 1973 (c. 62), Schedule 5, paragraph 17 and by the Magistrates' Courts Act 1980 (c. 43), section 154, Schedule 7, paragraph 65.

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## EXPLANATORY NOTE

These Regulations are made under sections 19 and 20 of the Prosecution of Offences Act 1985 and they—

- (a) enable magistrates' courts, the Crown Court and the Court of Appeal to make orders as to the payment of costs which have been unnecessarily or improperly incurred in criminal proceedings (regulation 3);
- (b) provide for the determination and review of costs payable out of central funds (regulations 4 to 13);
- (c) apply sections 16, 17 and 18 of the Act to certain categories of proceedings in magistrates' courts and the Crown Court to which those sections would not otherwise apply (regulation 14);
- (d) make provision for the payment out of central funds of expenses incurred by witnesses, interpreters and medical practitioners (regulations 15 to 25), and
- (e) enable the Lord Chancellor to recover sums paid out of the legal aid fund or central funds where a costs order has been made in favour of a person in receipt of legal aid or in whose favour an order for the payment of costs out of central funds has been made (regulations 26 and 27).