
STATUTORY INSTRUMENTS

2013 No. 611

The Civil Legal Aid (Costs) Regulations 2013

PART 3

**COSTS ORDERS AGAINST A LEGALLY AIDED
PARTY AND THE LORD CHANCELLOR**

Payment on account of costs

17.—(1) Where the court—

- (a) makes a section 26(1) costs order but does not specify the amount which the legally aided party is to pay under it; and
- (b) has sufficient information before it to decide the minimum amount which the legally aided party is likely to be ordered to pay on a determination under regulation 16,

the court may order the legally aided party to pay an amount on account of the costs which are the subject of the order.

(2) The amount of any payment on account of costs must not exceed the minimum amount which the court decides that the legally aided party is likely to be ordered to pay on a determination under regulation 16.

(3) Where the court orders a legally aided party to make a payment on account of costs—

- (a) it must order the legally aided party to make the payment into court; and
- (b) the payment must remain in court unless and until the court—
 - (i) makes a determination under regulation 16 of the amount which the legally aided party should pay to the receiving party under the section 26(1) costs order, and orders the payment on account or part of it to be paid to the receiving party in satisfaction or part satisfaction of the legally aided party's liability under that order; or
 - (ii) makes an order under paragraph (4)(b) or (c) that the payment on account or part of it be repaid to the legally aided party.

(4) Where a legally aided party has made a payment on account of costs pursuant to an order under paragraph (1)—

- (a) the receiving party must request a hearing under regulation 16;
- (b) if the receiving party fails to request such a hearing within the time permitted by regulation 16(2), the payment on account must be repaid to the legally aided party;
- (c) if upon the hearing under regulation 16 the amount of costs which it is determined that the legally aided party should pay is less than the amount of the payment on account, the difference must be repaid to the legally aided party.