
STATUTORY INSTRUMENTS

2014 No. 130

The Costs in Criminal Cases (Legal Costs) (Exceptions) Regulations 2014

Amendments to the Prosecution of Offences Act 1985

2.—(1) Section 16A of the Prosecution of Offences Act 1985 (defendants’ costs orders: legal costs) is amended as follows.

(2) In subsection (2), for “or C” substitute “, C or D”.

(3) After subsection (5) insert—

“(5A) Condition D is that—

- (a) the accused is an individual,
- (b) the order is made under section 16(2),
- (c) the legal costs were incurred in relevant Crown Court proceedings, and
- (d) the Director of Legal Aid Casework has made a determination of financial ineligibility in relation to the accused and those proceedings
(and condition D continues to be met if the determination is withdrawn).”

(4) After subsection (10) insert—

“(11) In subsection (5A)—

“determination of financial ineligibility”, in relation to an individual and proceedings, means a determination under section 21 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012⁽¹⁾ that the individual’s financial resources are such that the individual is not eligible for representation under section 16 of that Act for the purposes of the proceedings;

“Director of Legal Aid Casework” means the civil servant designated under section 4(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“relevant Crown Court proceedings” means any of the following—

- (a) proceedings in the Crown Court in respect of an offence for which the accused has been sent by a magistrates’ court to the Crown Court for trial;
- (b) proceedings in the Crown Court relating to an offence in respect of which a bill of indictment has been preferred by virtue of section 2(2)(b) of the Administration of Justice (Miscellaneous Provisions) Act 1933⁽²⁾;
- (c) proceedings in the Crown Court following an order by the Court of Appeal or the Supreme Court for a retrial.”

(1) 2012 c. 10.

(2) 1933 c. 36. Section 2(2)(b) was amended by section 5 of and Schedule 2 to the Criminal Appeal Act 1964 (c. 43), section 152(1) of and Schedule 5 to the Senior Courts Act 1981 (c. 54) and section 31(6) and Schedule 2 of the Prosecution of Offences Act 1985.