



Costs in Criminal Cases Act (Northern Ireland) 1968

1968 CHAPTER 10

4 Costs awarded by Court of Appeal.

[^{F1}(1) When the Court of Appeal dismisses an appeal or an application for leave to appeal, it may, subject to rules made pursuant to section 7, order the appellant—

(a) to pay [^{F2}to the Director of Public Prosecutions or any other person the Court thinks appropriate] the whole or any part of the costs of the appeal or application, including any expenses payable [^{F3}by the Director of Public Prosecutions] by virtue of section 28(2) of the Criminal Appeal (Northern Ireland) Act 1980;

[^{F4}(b) to pay to the Department of Justice the whole or any part of the costs of criminal defence services funded by the Department of Justice in respect of the appeal or application under the Access to Justice (Northern Ireland) Order 2003; and]

(c) to pay the cost of any transcript of a record of proceedings made in accordance with rules of court under section 21 of that Act.]

[^{F5}(1A) Where the Court of Appeal reverses or varies a ruling on an appeal under Part IV of the Criminal Justice (Northern Ireland) Order 2004 (prosecution appeals) it may, subject to rules made pursuant to section 7, make such order as to the costs to be paid by the accused, to such person as may be named in the order, as it considers just and reasonable.

(1B) Costs ordered to be paid under subsection (1A) may include the cost of any transcript of a record of proceedings made in accordance with rules of court under section 21 of the Criminal Appeal (Northern Ireland) Act 1980.]

(2) Without prejudice to the said [^{F6} section 28(2)] but subject to section 6 of this Act, the [^{F7} Court of Appeal] may, when it allows an appeal against conviction, including an appeal against a finding of not guilty on the ground of insanity[^{F8} or a finding of unfitness to be tried], order the [^{F9}Director of Public Prosecutions or any other person the Court thinks appropriate] to pay to the appellant the whole or any part of the costs of the appellant.

Changes to legislation: There are currently no known outstanding effects for the Costs in Criminal Cases Act (Northern Ireland) 1968, Section 4. (See end of Document for details)

[^{F10}(2A) The Court may also order the [^{F11}Director of Public Prosecutions or any other person the Court thinks appropriate] to pay the costs of the appellant on an appeal under Article 8(11) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988[^{F5} or under Part IV of the Criminal Justice (Northern Ireland) Order 2004 (prosecution appeals)].]

(3) The costs of the appellant mentioned in[^{F10} subsections (2) and (2A)] shall, subject to rules made pursuant to section 7, be such sums as appear to the Court reasonably sufficient to compensate the appellant for any expenses properly incurred in the prosecution of his appeal (including any proceedings preliminary or incidental to such appeal) and in carrying on his defence at the court of trial, including any proceedings preliminary or incidental to such trial.

(4) Where the [^{F7} Court of Appeal] orders the payment of costs under this section, the order shall be enforceable in the same manner as an order for the payment of costs made by the High Court in a civil case but [^{F12}subject to section 25 of the Crown Proceedings Act 1947 where that section is applicable].

[^{F13}(5) Where section 47A of the Criminal Appeal (Northern Ireland) Act 1980 (death of convicted person) applies, any reference in this section to the appellant includes the person approved under that section.]

F1 SI 1982/159

F2 Words in s. 4(1)(a) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 6\(2\)\(a\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

F3 Words in s. 4(1)(a) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 6\(2\)\(b\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

F4 S. 4(1)(b) substituted (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435 \(N.I. 10\)\)](#), [art. 1\(2\)](#), [Sch. 4, para. 1\(2\)](#) (as amended (18.11.2014) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014 \(c. 11\)](#), Sch. 2 para 6(43)(a)(i)); [S.R. 2015/194](#), [art.2](#), [Sch.](#) (with [art. 3](#))

F5 [2004 NI 9](#)

F6 [1980 c.47](#)

F7 [1978 c.23](#)

F8 [1986 NI 4](#)

F9 Words in s. 4(2) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 6\(3\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

F10 [1988 NI 16](#)

F11 Words in s. 4(2A) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 6\(4\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

F12 Words in s. 4(4) substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 6\(5\)](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

F13 [1995 c.35](#)

Changes to legislation:

There are currently no known outstanding effects for the Costs in Criminal Cases Act (Northern Ireland) 1968, Section 4.