



Courts Act 1971

1971 CHAPTER 23

PART VI **U.K.**

MISCELLANEOUS AND SUPPLEMENTAL

Costs

47— ^{F1} **E+W**
49.

Textual Amendments

F1 Ss. 47–49, 51(1) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

50 ^{F2} **E+W**

Textual Amendments

F2 S. 50 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

51 **Construction and consequential amendments** **E+W**

(1) ^{F3}

(2) Schedule 6 to this Act, which amends enactments about costs, shall have effect.

Textual Amendments

F3 Ss. 47–49, 51(1) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)

Status: Point in time view as at 06/04/2011.

Changes to legislation: There are currently no known outstanding effects for the Courts Act 1971, Cross Heading: Costs. (See end of Document for details)

Modifications etc. (not altering text)

- C1** The text of ss. 26(3)(4), 51(2), 53(5) and 56(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

52 Award of costs where information or complaint is not proceeded with. **E+W**

- (1)^{F4}
- (3) Where—
- (a)^{F5}
- (b) a complaint is made to a justice of the peace [^{F6}acting in any local justice area]^{F6} but the complaint is not proceeded with, a magistrates' court [^{F7}acting in that area]^{F7} may make such order as to costs to be paid . . .^{F8}, by the complainant to the defendant as it thinks just and reasonable.
- [^{F9}(3A) Subsection (3) does not apply to family proceedings (within the meaning of section 65 of the Magistrates' Courts Act 1980).]
- (4) An order under subsection (3) above shall specify the amount of the costs ordered to be paid.
- (5) . . .^{F8} for the purpose of enforcement an order under subsection (3) above made in relation to a complaint which is not proceeded with shall be treated as if it were an order made under [^{F10}section 64 of the Magistrates' Courts Act 1980] (power to award, and enforcement of, costs in civil proceedings).

Textual Amendments

- F4** S. 52(1)(2) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)
- F5** S. 52(3)(a) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)
- F6** Words in s. 52(3)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 29\)](#), ss. 109(1), 110, [Sch. 8 para. 140\(a\)](#); [S.I. 2009/910](#), [art. 3\(y\)](#)
- F7** Words in s. 52(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 29\)](#), ss. 109(1), 110, [Sch. 8 para. 140\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F8** Words repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)
- F9** [S. 52\(3A\)](#) inserted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, 3 (with art. 39)
- F10** Words substituted by [Magistrates Courts' Act 1980 \(c. 43, SIF 82\)](#), s. 154(1), [Sch. 7 para. 96](#)

Status:

Point in time view as at 06/04/2011.

Changes to legislation:

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