

## SCHEDULES

### SCHEDULE 6

Section 51.

#### AMENDMENTS RELATING-TO COSTS IN CRIMINAL CASES ETC.

##### *Costs in Criminal Cases Act 1952*

- 1 (1) In section 5 of the Costs in Criminal cases Act 1952 (magistrates' courts) a reference to central funds shall be substituted for any reference to local funds.
- (2) In each of subsections (3) and (4) of that section the words " and giving evidence " shall be omitted.
- (3) After subsection (4) of that section insert the following subsection—
- “(4A) References in subsections (3) and (4) above to a witness include any person who is a witness to character only and in respect of whom the court certifies that the interests of justice required his attendance, but no sums shall be payable in pursuance of an order made under this section to or in respect of any witness who is a witness to character only and in respect of whom no such certificate is given.”
- 2 For sections 7 to 10 of the said Act there shall be substituted the sections set out below.

##### **“7 Central funds.**

- (1) In this Act and in any other enactment providing for payment of costs out of central funds " central funds " means money provided by Parliament.
- (2) The Secretary of State shall, out of money so provided, pay to the persons charged with the duty of making the payments concerned all sums required to meet payments ordered to be made out of central funds under this Act or any other such enactment as is referred to in subsection (1) above.

##### **8 Payment of costs ordered to be paid out of central funds by superior courts.**

- (1) As soon as there has been ascertained the amount due to any person as costs ordered (under this or any other Act) by the Crown Court to be paid out of central funds, the appropriate officer of the Crown Court shall pay the amount so ascertained to that person, or to any person appearing to him to be acting on behalf of that person.
- (2) As soon as there has been ascertained the amount due to any person as costs ordered (under this or any other Act) to be paid out of central funds by a Divisional Court, by the Court of Appeal or by the House of Lords.—
- (a) the master of the Crown Office, in the case of a Divisional Court, and
- (b) the registrar of criminal appeals in the case of the Court of Appeal or the House of Lords,

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shall pay the amount so ascertained to that person, or to any person appearing to him to be acting on behalf of that person.

**9 Payment of costs ordered to be paid out of central funds by a magistrates' court.**

- (1) As soon as there has been ascertained the amount due to any person as costs ordered to be paid out of central funds by a magistrates' court—
  - (a) dealing summarily with an indictable offence, or
  - (b) inquiring into an offence as examining justices and determining not to commit the accused for trial,
  - (c) where an information is not proceeded with, as mentioned in section 52(1) of the Courts Act 1971
 the justices' clerk shall pay to that person the amount so ascertained.
- (2) As soon as there has been ascertained the amount due to any person as costs ordered to be paid out of central funds by a magistrates' court otherwise than as mentioned in subsection (1) above, the justices' clerk shall—
  - (a) so far as the amount is due for travelling or personal expenses in respect of that person's attendance, pay to him the amount due forthwith ; and
  - (b) so far as the amount is not due for such expenses, send a certificate of the amount to the Crown Court, in accordance with arrangements made by the Lord Chancellor.
- (3) Where a certificate is sent to the Crown Court under subsection (2) above the appropriate officer of the Crown Court shall pay to the person to whom the certificate relates, or to any person appearing to him to be acting on behalf of that person, the amount certified or any less amount which the Crown Court considers should have been allowed under this Act.
- (4) The appropriate officer of the Crown Court shall, when practicable, include the amount payable as costs certified under this section in any order for payment of costs made by that Court.

**10 Payment of costs ordered to be paid out of central funds and by accused or prosecutor.**

- (1) Where a court orders the payment of costs by the accused or the prosecutor and also orders the payment of costs out of central funds, the costs, so far as they are payable under both orders, shall be primarily payable out of central funds ; and the court shall give notice to the Secretary of State of the order for the payment of costs by the accused or the prosecutor.
- (2) To the extent that any costs are primarily payable out of central funds by an order (under this or any other Act) and have been paid out of those funds, the Secretary of State shall be entitled to be reimbursed out of any money due under any other court order for the payment of those costs, and to take any proceedings for the enforcement of any such other order providing for payment of costs by the prosecutor.”

- 3 (1) Section 12 of the Costs in Criminal Cases Act 1952 (regulations about costs) shall be amended as follows.

(2) A reference to central funds shall be substituted for any reference to local funds in the said section 12.

(3) Regulations under the said section 12 may, as respects costs payable out of central funds under any enactment, or as respects other costs payable under the Costs in Criminal Cases Act 1952 or the Criminal Appeal Act 1968, provide a right of appeal from any decision on taxation, or ascertainment of the amount, of the costs, whether to a Taxing Master of the Supreme Court or to any other officer or authority.

4 In section 14(4) of the Costs in Criminal Cases Act, 1952 (exclusion of proceedings on appeal to Crown Court) for the words "Except as aforesaid " there shall be substituted the words " Except as otherwise expressly provided ".

5 In sections 16 and 17 of the said Act a reference to central funds shall be substituted for any reference to local funds.

#### *Betting, Gaming and Lotteries Act 1963*

6 In paragraph 23 of Schedule 1 to the Betting, Gaming and Lotteries Act 1963 (award of costs of local authority out of local funds) in sub-paragraph (1) for the words " local funds " there shall be substituted the words " central funds ".

#### *Licensing Act 1964*

7 In section 25 of the Licensing Act 1964 (award of costs of licensing justices out of local funds), in subsection (1), for the words " local funds " there shall be substituted the words " central funds ".

#### *Criminal Justice Act 1967*

8 In section 31(2) of the Criminal Justice Act 1967, for the words " section 6 (costs as between parties) " there shall be substituted the words " provisions relating to costs as between parties ".

9 (1) In section 32 of the Criminal Justice Act 1967, in subsection (2), for the words from the beginning to " said Act of 1966 " there shall be substituted the words " Section 5 of the Costs in Criminal Cases Act 1952 (costs awarded by magistrates' courts out of central funds), section 26 of the Criminal Appeal Act 1968 (payment of expenses of witnesses in connection with criminal appeals out of central funds), section 33 of the Courts-Martial (Appeals) Act 1968 " and after the words " Courts-Martial Appeal Court)" there shall be inserted the words " and section 47 of the Courts Act 1971 (costs awarded by Crown Court out of central funds) ".

(2) In subsection (4) of that section for the words "Sections 1 and 5 " there shall be substituted the words " Section 5 " and after the word " 1952 " there shall be inserted the words " and section 47 of the Courts Act 1971 ".

10 (1) In section 81(1) of the Criminal Justice Act 1967 (costs of legal aid) for paragraphs (b) to (d) there shall be substituted—

“(b) in the case Of any proceedings not falling within paragraph (a) above, they shall be paid by the Secretary of State”.

(2) Subsections (5), (6) and (7) of the said section 81 shall cease to have effect.

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*Criminal Appeal Act 1968*

- 11      In the Criminal Appeal Act 1968—
- (a)    in sections 24 to 28 (costs in the Court of Appeal), and
  - (b)    in section 39 (costs in certain appeals to the House of Lords),
- a reference to central funds shall be substituted for any reference to local funds.

*Gaming Act 1968*

- 12      In paragraph 30 of Schedule 2 to the Gaming Act 1968 (award of costs of licensing authority out of local funds), in sub-paragraph (2), for the words " local funds " there shall be substituted the words " central funds ".
- 13      In paragraph 14 of Schedule 9 to the Gaming Act 1968 (award of costs of local authority or licensing justices out of local funds), in sub-paragraph (2), for the words " local funds " there shall be substituted the words " central funds ".