



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Miscellaneous*

#### 112 **Costs against legal representatives in magistrates' courts**

The following section shall be inserted in the Magistrates' Courts Act 1980 after section 145 (which contains supplementary provisions about rules of court)—

##### **“145A Rules: costs order against legal representative**

- (1) In any civil proceedings, a magistrates' court may disallow or (as the case may be) order the legal or other representative concerned to meet the whole of any wasted costs or such part of them as may be determined in accordance with rules.
- (2) In subsection (1), “wasted costs” means any costs incurred by a party—
  - (a) as a result of any improper, unreasonable or negligent act or omission on the part of any legal or other representative or any employee of such a representative; or
  - (b) which, in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay.
- (3) In this section “legal or other representative”, in relation to any proceedings, means any person who is exercising a right of audience, or a right to conduct litigation, on behalf of any party to the proceedings.
- (4) Rules made by virtue of this section may, in particular, make provision as to the destination of any payment required to be made under the rules (including provision for the reimbursement of sums paid by the Legal Aid Board).

---

*Status: This is the original version (as it was originally enacted).*

---

(5) Rules made by virtue of this section—

- (a) shall require a magistrates' court which proposes to act under the rules against a legal or other representative to allow him a reasonable opportunity to appear before it and show cause why it should not do so;
- (b) shall provide that action may be taken under the rules either on the application of any party to the proceedings or on the motion of the court;
- (c) shall provide that no such action shall be taken after the end of the period of six months beginning with the date on which the proceedings are disposed of by the court; and
- (d) shall provide that a legal or other representative against whom action is taken under the rules may appeal to the Crown Court.”