



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART I

PROCEDURE ETC. IN CIVIL COURTS

Miscellaneous

12 Penalty for failure to warn that hearing will not be attended

- (1) This section applies where an appointment has been fixed for any hearing in the High Court or in any county court, but a party to the proceedings—
 - (a) has failed to appear; or
 - (b) has failed to give the court due notice of his desire to cancel the hearing or of his inability to appear at it.
- (2) The court may summon the party concerned, or the person conducting the proceedings on his behalf, to explain his failure.
- (3) Where a court—
 - (a) has summoned a person under subsection (2); and
 - (b) is not satisfied that he took reasonable steps to give due notice to the court of his desire to cancel the hearing or (as the case may be) of his inability to appear at it,the court may declare that person to be in contravention of this section.
- (4) On declaring a person to be in contravention of this section a court may impose on him a penalty equivalent to a fine not exceeding level 3 on the standard scale.
- (5) Before deciding whether or not to impose any such penalty, the court shall consider the extent to which (if any) the person concerned will, or is likely to—
 - (a) suffer any financial loss (by way of a reduction of costs or otherwise); or
 - (b) be subject to any disciplinary action,as a result of his failure.

Status: This is the original version (as it was originally enacted).

- (6) Sections 129 and 130 of the County Courts Act 1984 (enforcement, payment and application of fines) shall apply with respect to any penalty imposed by a county court under this section as they apply with respect to any fine imposed by any county court under that Act.
- (7) In subsection (1) “due notice” means—
- (a) such notice as is required by rules of court; or
 - (b) where there is no such requirement applicable to the circumstances of the case, such notice as the court considers reasonable.