

*These notes refer to the Armed Forces Act 2001  
(c.19) which received Royal Assent on 11 May 2001*

# **ARMED FORCES ACT 2001**

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## **EXPLANATORY NOTES**

### **THE ACT - COMMENTARY ON SECTIONS**

#### **Part 3 – Trial and Punishment of Offences**

##### ***Section 26: Provisions for orders as to costs***

92. Under section 19 of the Prosecution of Offences Act 1985, a party to criminal proceedings in the civilian courts may be ordered to pay costs where unnecessary or improper action taken by him, or on his behalf, has resulted in another party incurring costs. There was no corresponding provision in relation to proceedings in Service courts. Section 26 of this Act enables such provision to be made.
93. The section enables the Secretary of State to make regulations providing for courts-martial, the summary appeals courts, the Courts-Martial Appeal Court and Standing Civilian Courts to make orders as to the payment of such costs. The regulations may allow the court to take account of any other costs orders which have been made and may deal with matters such as appeals against costs orders.