



Armed Forces Act 2001

2001 CHAPTER 19

PART 3

TRIAL AND PUNISHMENT OF OFFENCES

26 Provision for orders as to costs

- ^{F1}(1) The Secretary of State may by regulations make provision empowering [^{F1}any of the Court Martial, the Summary Appeal Court, the Service Civilian Court and the Court Martial Appeal Court, in any case where the court is satisfied that one party to proceedings before that court] has incurred costs as a result of an unnecessary or improper act or omission by, or on behalf of, another party to the proceedings, to make an order as to the payment of those costs.
- (2) Regulations under this section may, in particular—
- (a) allow the making of such an order as is mentioned in subsection (1) at any time during the proceedings,
 - (b) make provision as to the account to be taken, in making such an order, of any other order as to costs which has been made in respect of the proceedings or any grant of representation for the purposes of the proceedings which has been made under the Legal Aid Act 1988 (c. 34) or under any legal aid scheme operated by any of Her Majesty's forces,
 - (c) make provision as to the account to be taken of such an order as is mentioned in subsection (1) in the making of any other order as to costs in respect of the proceedings,
 - ^{F2}(d) contain provision in relation to [^{F2}the Service Civilian Court] equivalent to that made by section 18(5) of the Prosecution of Offences Act 1985 (c. 23) in relation to a magistrates' court, subject to such modifications as the Secretary of State thinks fit, and
 - (e) make provision as to appeals against orders made by virtue of the regulations.
- (3) Regulations under this section shall provide—
- ^{F3}(a) that a person against whom an order is made by [^{F3}the Court Martial under the regulations may appeal to the Court Martial Appeal Court;]

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2001, Section 26. (See end of Document for details)

^{F4}(b) that a person against whom an order is made by [^{F4}the Summary Appeal Court or the Service Civilian Court] under the regulations may appeal to the High Court in England and Wales.

^{F5}(4)

Textual Amendments

- F1** Words in s. 26(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 192(2)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F2** Words in s. 26(2)(d) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 192(3)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F3** Words in s. 26(3)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 192(4)(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F4** Words in s. 26(3)(b) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 192(4)(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F5** S. 26(4) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 192(5)**, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Commencement Information

- I1** S. 26 in force at 14.10.2005 by [S.I. 2005/2861](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 2001, Section 26.