
STATUTORY INSTRUMENTS

1991 No. 789

CRIMINAL LAW, ENGLAND AND WALES

**Costs in Criminal Cases (General)
(Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>21st March 1991</i>
<i>Laid before Parliament</i>		<i>10th April 1991</i>
<i>Coming into force</i>	- -	<i>1st May 1991</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 19A and 20 of the Prosecution of Offences Act 1985(1), hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Costs in Criminal Cases (General) (Amendment) Regulations 1991 and shall come into force on 1st May 1991.

(2) In these Regulations a regulation referred to by number means a regulation so numbered in the Costs in Criminal Cases (General) Regulations 1986(2).

Amendment of the Costs in Criminal Cases (General) Regulations 1986

2.—(1) After Regulation 3 there shall be inserted the following new Part to the Regulations:—

“PART IIA

WASTED COSTS ORDERS

Application and definitions

3A. This Part of these Regulations applies to action taken by a court under section 19A of the Act and in this Part of these regulations:—

“wasted costs order” means any action taken by a court under section 19A of the Act; and

“interested party” means the party benefiting from the wasted costs order and, where he was legally aided, or an order for the payment of costs out of central funds was made in

(1) 1985 c. 23; section 19A was inserted by the Courts and Legal Services Act 1990 (c. 41) section 111.

(2) S.I. 1986/1335.

his favour, shall include the authority responsible for determining costs payable in respect of work done under the legal aid order or out of central funds as the case may be.

General

3B.—(1) A wasted costs order may provide for the whole or any part of the wasted costs to be disallowed or ordered to be paid and the court shall specify the amount of such costs.

(2) Before making a wasted costs order the court shall allow the legal or other representative and any party to the proceedings to make representations.

(3) When making a wasted costs order the court may take into account any other order as to costs in respect of the proceedings and may take the wasted costs into account when making any other such order.

(4) Where a wasted costs order has been made the court shall notify any interested party of the order and the amount disallowed or ordered to be paid.

Appeals

3C.—(1) A legal or other representative against whom the wasted costs order is made may appeal—

- (a) in the case of an order made by a magistrates' court, to the Crown Court, and
- (b) in the case of an order made at first instance by the Crown Court, to the Court of Appeal.

(2) Subject to paragraph (4), an appeal shall be instituted within 21 days of the wasted costs order being made by the appellant's giving notice in writing to the court which made the order, stating the grounds of appeal.

(3) The appellant shall serve a copy of the notice of appeal and grounds, including any application for an extension of time in which to appeal, on any interested party.

(4) The time limit within which an appeal may be instituted may, for good reason, be extended before or after it expires—

- (a) in the case of an appeal to the Crown Court, by a judge of that court;
- (b) in the case of an appeal to the Court of Appeal, a judge of the High Court or Court of Appeal,

and in each case the court to which the appeal is made shall give notice of the extension to the appellant, the court which made the wasted costs order and any interested party.

(5) The court shall give notice of the hearing date to the appellant, the court which made the wasted costs order and any interested party and shall allow the interested party to make representations which may be made orally or in writing.

(6) The court may affirm, vary or revoke the order as it thinks fit and shall notify its decision to the appellant, any interested party and the court which made the order.

Recovery of sums due under a wasted costs order

3D. Where the person required to make a payment in respect of sums due under a wasted costs order fails to do so, the payment may be recovered summarily as a sum adjudged to be paid as a civil debt by order of a magistrates' court by the party benefiting from the order, save that where he was legally aided or an order for the payment of costs out of central funds was made in his favour, the power to recover shall be exercisable by the Lord Chancellor.”

(2) In regulation 26—

- (a) in paragraph (1) for the words“party to the proceedings” there shall be substituted the word“person”;
- (b) after paragraph (2) there shall be inserted the following newparagraph:–
 - “(3) In this regulation“costs order” shall include a wasted costs order as defined by regulation 3A ofthese Regulations.”.

Dated 21st March 1991

Mackay of Clashfern, C

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Costs in Criminal Cases (General) Regulations 1986 by making provision for the payment of wasted costs orders to be borne by legal or other representatives in criminal proceedings by virtue of section 19A of the Act. Provision is also made for an appeal against a wasted costs order of a magistrates' court or the Crown Court, for the order to be enforced as a civil debt in the magistrates' court and for recovery by the Lord Chancellor of sums paid out of the legal aid fund or central funds where a wasted costs order has been made.