

1999 No. 2096

CRIMINAL LAW, ENGLAND AND WALES

**The Costs in Criminal Cases (General) (Amendment)
Regulations 1999**

<i>Made</i> - - - -	<i>14th July 1999</i>
<i>Laid before Parliament</i>	<i>26th July 1999</i>
<i>Coming into force</i>	<i>1st September 1999</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 20 of the Prosecution of Offences Act 1985(a), 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 1999 and shall come into force on 1st September 1999.

(2) In these Regulations, “the Regulations” means the Costs in Criminal Cases (General) Regulations 1986(b), and a regulation referred to by number alone means the regulation so numbered in the Regulations.

Amendments to the Costs in Criminal Cases (General) Regulations 1986

2.—(1) In the Regulations:

- (a) for the expression “taxing master”, wherever it appears, there shall be substituted “costs judge”;
- (b) for the expression “Chief Taxing Master”, wherever it appears, there shall be substituted “Senior Costs Judge”.

(2) In regulation 4:

- (a) the following definition shall be inserted after the definition of “appropriate authority”:
“ “costs judge” means a taxing master of the Supreme Court;”;
- (b) the definition of “taxing master” shall be deleted.

(3) In regulation 11(7), for “instituted by an originating summons in the Queen’s Bench Division” there shall be substituted “brought in the Queen’s Bench Division, follow the procedure set out in Part 8 of the Civil Procedure Rules 1998(c),”.

3.—(1) In regulation 6(2), after “shall be accompanied by”, there shall be inserted “receipts or other evidence of the applicant’s payment of the costs claimed, and”.

(a) 1985 c. 23.
(b) S.I. 1986/1335; there are no relevant amendments.
(c) S.I. 1998/3132; there are no relevant amendments.

(2) In regulation 6(3):

(a) at the end of sub-paragraph (b), “and” shall be deleted; and

(b) there shall be inserted after sub-paragraph (c) the following:

“and

(d) contain either full particulars, including the date and outcome, of any claim that regulation 44(7) of the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989^(a) should be applied in respect of any work comprised in the claim under these Regulations, or a certificate by the solicitor that he has not made, and will not make, any such claim.”.

Signed by authority of the Lord Chancellor

Dated 14th July 1999

Keith Vaz
Parliamentary Secretary,
Lord Chancellor’s Department

^(a) S.I. 1989/344; there are no relevant amendments.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Costs in Criminal Cases (General) Regulations 1986. Where a defendant is granted costs under a defendant's costs order under section 16 of the Prosecution of Offences Act 1985, the claim must contain either full particulars of any claim, under regulation 44(7) of the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989, for work done before the grant of a legal aid order, or a certificate by the solicitor that he has not made, and will not make, any such claim. There is also an obligation to provide evidence of the applicant's payment of the costs.

These Regulations also make amendments to the Costs in Criminal Cases (General) Regulations 1986 resulting from the coming into force of the Civil Procedure Rules 1998.

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£1.50

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WO 5194 8/99 ON (MFK)