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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations insert a new Part IIB into the Costs in Criminal Cases (General) Regulations 1986 (S.I.1986/1335), relating to third party costs orders, as defined in section 19B of the Prosecution of Offences Act 1985 (inserted by section 93 of the Courts Act 2003).

The new regulations confer power on a magistrates' court, the Crown Court or Court of Appeal to make an order against a third party to pay costs incurred by a party to criminal proceedings if there has been serious misconduct by the third party and the court considers it appropriate, having regard to the misconduct, to make such an order against him.

A third party costs order may be made at any time after the criminal proceedings. An order may also be made during the proceedings, but only if the court decides that there are good reasons to do so.

The Regulations provide, among other things:

- that the court must allow the third party and parties to make representations;
- that the court may take into account any other costs order in making a third party costs order, and may take a third party costs order into account either in making another costs order, or by varying an existing costs order;
- that a third party costs order must specify the amount of the costs ordered to be paid;
- for the procedure in relation to third party costs orders;
- for appeals against a third party costs order, from a magistrates' court to the Crown Court and from the Crown Court to the Court of Appeal;
- for the recovery of sums due under a third party costs order.