
STATUTORY INSTRUMENTS

2012 No. 1804

**The Costs in Criminal Cases (General)
(Amendment) Regulations 2012**

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

6. For regulation 7 substitute—

“7.—(1) The appropriate authority shall consider the claim and any further particulars, information or documents submitted by the applicant under regulation 6(5), and shall allow costs in respect of—

- (a) such work as appears to it to have been actually and reasonably done; and
- (b) such disbursements as appear to it to have been actually and reasonably incurred.

(2) In calculating costs under paragraph (1) the appropriate authority shall take into account all the relevant circumstances of the case including the nature, importance, complexity and difficulty of the work and the time involved.

(3) Any doubts which the appropriate authority may have as to whether the costs were reasonably incurred or were reasonable in amount shall be resolved against the applicant.

(4) The costs awarded shall not exceed the costs actually incurred.

(5) Subject to paragraph (6), the appropriate authority shall allow such legal costs as it considers reasonably sufficient to compensate the applicant for any expenses properly incurred by him in the proceedings.

(6) Where the subject of a costs order is an individual and—

- (a) the order was made under section 16(1), (3) or (4)(a)(ii) or (iii) or (d) of the Act;
- (b) the order was made under section 16 and includes legal costs that were incurred in proceedings in a court below which were—
 - (i) proceedings in a magistrates’ court; or
 - (ii) proceedings on an appeal to the Crown Court under section 108 of the Magistrates’ Courts Act 1980⁽¹⁾; or
- (c) the order includes an amount in respect of legal costs incurred in proceedings in a magistrates’ court under the Extradition Act 2003,

the appropriate authority shall calculate amounts payable out of central funds in respect of legal costs to the individual in accordance with the rates or scales or other provision made by the Lord Chancellor pursuant to paragraph (7), whether or not that results in the fixing of an amount that the appropriate authority considers reasonably sufficient or necessary to compensate the individual.

(7) The Lord Chancellor shall, with the consent of the Treasury, determine provision (whether in the form of rates or scales or other provision) as to how amounts payable out of central funds in respect of legal costs shall be calculated.”

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