



Costs in Criminal Cases Act 1973

CHAPTER 14

ARRANGEMENT OF SECTIONS

Awards by magistrates' courts

Section

1. Awards by magistrates' courts out of central funds.
2. Awards by magistrates' courts as between parties.

Awards by Crown Court

3. Awards by Crown Court out of central funds.
4. Awards by Crown Court as between parties.

Awards by, and on appeals from, Divisional Court

5. Awards by Divisional Court.
6. Awards on appeals from Divisional Court.

Awards by, and on appeals from, Court of Appeal

7. Awards by Court of Appeal out of central funds on determining appeals or applications.
8. Other awards by Court of Appeal out of central funds.
9. Awards by Court of Appeal against accused.
10. Awards out of central funds on appeals from Court of Appeal.
11. Awards against accused applying for leave to appeal from Court of Appeal.

Miscellaneous and general

12. Awards where prosecution not proceeded with.
13. Central funds.
14. Payment of costs ordered by superior courts to be paid out of central funds.

Section

15. Payment of costs ordered by magistrates' courts to be paid out of central funds.
16. Payment of costs ordered to be paid out of central funds and by accused or prosecutor.
17. Regulations.
18. Miscellaneous applications of Act.
19. General provisions as to costs.
20. Interpretation.
21. Consequential amendments, repeals and transitional provisions.
22. Short title, commencement and extent.

SCHEDULES:

- Schedule 1—Consequential amendments.
- Schedule 2—Repeals.

ELIZABETH II



Costs in Criminal Cases Act 1973

1973 CHAPTER 14

An Act to consolidate certain enactments relating to costs in criminal cases. [18th April 1973]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Awards by magistrates' courts

1.—(1) A magistrates' court dealing summarily with an indictable offence, or inquiring into any offence as examining justices, may, subject to the provisions of this section, order the payment out of central funds of the costs of the prosecution. Awards by magistrates' courts out of central funds.

(2) A magistrates' court dealing summarily with an indictable offence and dismissing the information, or inquiring into any offence as examining justices and determining not to commit the accused for trial, may, subject to the provisions of this section, order the payment out of central funds of the costs of the defence.

(3) The costs payable out of central funds under the preceding provisions of this section shall be such sums as appear to the court reasonably sufficient to compensate the prosecutor, or as the case may be the accused, for the expenses properly incurred by him in carrying on the prosecution or the defence, and to compensate any witness for the prosecution, or as the case may be for the defence, for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(4) Notwithstanding that the court makes no order under subsection (2) above for the payment out of central funds of the costs of the defence, it may order the payment out of those funds of such sums as appear to the court reasonably sufficient to compensate any witness for the defence for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(5) References in subsections (3) and (4) above to a witness include any person who is a witness to character only and in respect of whom the court certifies that the interests of justice required his attendance, but no sums shall be payable in pursuance of an order made under this section to or in respect of any witness who is a witness to character only and in respect of whom no such certificate is given.

(6) The amount of costs ordered to be paid under this section shall be ascertained as soon as practicable by the proper officer of the court.

(7) In this section the expression "witness" means a person properly attending to give evidence, whether or not he gives evidence; and a person who, at the instance of the court, is called or properly attends to give evidence may be made the subject of an order under subsection (4) above whether or not he is a witness for the defence.

Awards by magistrates' courts as between parties.

2.—(1) On the summary trial of an information a magistrates' court shall, on dismissal of the information, have power to make such order as to costs to be paid by the prosecutor to the accused as it thinks just and reasonable.

(2) On the summary trial of an information a magistrates' court shall, on conviction, have power to make such order as to costs to be paid by the accused to the prosecutor as it thinks just and reasonable, but—

(a) where under the conviction the court orders payment of any sum as a fine, penalty, forfeiture or compensation, and the sum so ordered to be paid does not exceed 25p, the court shall not order the accused to pay any costs under this subsection unless in any particular case it thinks fit to do so;

(b) where the accused is under seventeen years old, the amount of the costs ordered to be paid by the accused himself under this subsection shall not exceed the amount of any fine ordered to be so paid.

(3) A court shall specify in the order of dismissal, or as the case may be the conviction, the amount of any costs that it orders to be paid under subsection (1) or (2) above.

(4) Where examining justices determine not to commit the accused for trial on the ground that the evidence is not sufficient to put him upon his trial, and are of opinion that the charge was not made in good faith, they may order the prosecutor to pay the whole or any part of the costs incurred in or about the defence.

(5) If the amount ordered to be paid under subsection (4) above exceeds £25, the prosecutor may appeal to the Crown Court; and no proceedings shall be taken upon the order until the time allowed for giving notice of appeal has elapsed, or, if within that time notice of appeal is given, until the appeal is determined or ceases to be prosecuted.

Awards by Crown Court

3.—(1) Subject to the provisions of this section, where a person is prosecuted or tried on indictment before the Crown Court, the court may—

Awards by
Crown
Court out
of central
funds.

- (a) order the payment out of central funds of the costs of the prosecution;
- (b) if the accused is acquitted, order the payment out of central funds of the costs of the defence.

(2) Subject to the provisions of this section, where an appeal is brought to the Crown Court against a conviction by a magistrates' court of an indictable offence, or against the sentence imposed on such a conviction, the court may—

- (a) order the payment out of central funds of the costs of the prosecution;
- (b) if the appeal is against a conviction, and the conviction is set aside in consequence of the decision on the appeal, order the payment out of central funds of the costs of the defence.

(3) The costs payable out of central funds under the preceding provisions of this section shall be such sums as appear to the Crown Court reasonably sufficient—

- (a) to compensate the prosecutor, or as the case may be the accused, for the expenses properly incurred by him in carrying on the proceedings, and
- (b) to compensate any witness for the prosecution, or as the case may be for the defence, for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(4) Notwithstanding that the court makes no order under this section as respects the costs of the defence, it may order the payment out of central funds of such sums as appear to the court reasonably sufficient to compensate any witness for the defence for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(5) References in subsections (3) and (4) above to a witness include any person who is a witness to character only and in respect of whom the court certifies that the interests of justice required his attendance, but no sums shall be payable in

pursuance of an order made under this section to or in respect of any witness who is a witness to character only and in respect of whom no such certificate is given.

(6) The amount of costs ordered to be paid under this section shall be ascertained as soon as practicable by the appropriate officer of the Crown Court.

1959 c. 72.

(7) In subsection (2) above, "sentence" includes any order made by a court when dealing with an offender, including a hospital order under Part V of the Mental Health Act 1959 and a recommendation for deportation.

(8) In this section the expression "witness" means a person properly attending to give evidence, whether or not he gives evidence; and a person who, at the instance of the court, is called or properly attends to give evidence may be made the subject of an order under subsection (4) above whether or not he is a witness for the defence.

(9) The costs of carrying on the defence that may be awarded to any person under this section may include the costs of carrying on the defence before the examining justices who committed him for trial, or as the case may be before the magistrates' court who convicted him.

Awards by
Crown Court
as between
parties.

4.—(1) Where a person is prosecuted or tried on indictment before the Crown Court, the court may—

(a) if the accused is convicted, order him to pay the whole or any part of the costs incurred in or about the prosecution and conviction, including any proceedings before the examining justices;

(b) if the accused is acquitted, order the prosecutor to pay the whole or any part of the costs incurred in or about the defence including any proceedings before the examining justices.

(2) The amount of costs ordered to be paid under this section shall (except where it is a specific amount ordered to be so paid) be ascertained as soon as practicable by the appropriate officer of the Crown Court.

Awards by
Divisional
Court.

Awards by, and on appeals from, Divisional Court

5.—(1) A Divisional Court of the Queen's Bench Division may order the payment out of central funds of the costs of any party to proceedings before the Divisional Court in a criminal cause or matter.

(2) The costs payable out of central funds under subsection (1) above shall be such sums as appear to the Divisional Court reasonably sufficient to compensate the party concerned for any expenses properly incurred by him in the proceedings or in any court below.

(3) The amount of costs ordered to be paid under this section shall be ascertained by the master of the Crown Office.

6.—(1) The House of Lords on determining an appeal from a decision of a Divisional Court of the Queen's Bench Division in a criminal cause or matter may order the payment out of central funds of the costs of the accused or the prosecutor.

Awards on appeals from Divisional Court.

(2) The costs payable out of central funds under subsection (1) above shall be such sums as appear to the House of Lords reasonably sufficient to compensate the party concerned for any expenses properly incurred by him in the appeal to the House (including any application for leave to appeal) or in any court below.

(3) The amount of costs ordered to be paid under this section shall (except where it is a specific amount ordered to be paid towards a person's expenses as a whole) be ascertained by such officer or officers, and in such manner, as may be prescribed by order of the House of Lords.

Awards by, and on appeals from, Court of Appeal

7.—(1) When the Court of Appeal allow an appeal under Part I of the Criminal Appeal Act 1968 against—

Awards by Court of Appeal out of central funds on determining appeals or applications. 1968 c. 19. 1964 c. 84.

- (a) conviction, or
- (b) a verdict of not guilty by reason of insanity, or
- (c) a finding under section 4 of the Criminal Procedure (Insanity) Act 1964 that the appellant is under disability,

the court may order the payment out of central funds of the costs of the appellant.

(2) On determining an appeal or application for leave to appeal under Part I of the Criminal Appeal Act 1968, the Court of Appeal may order the payment out of central funds of the costs of the prosecutor.

(3) The costs payable out of central funds under subsection (1) or (2) above shall be such sums as appear to the Court of Appeal reasonably sufficient to compensate the party concerned for any expenses properly incurred by him in the appeal or application (including any proceedings preliminary or incidental thereto) or in any court below.

(4) The amount of costs ordered to be paid under this section shall (except where it is a specific amount ordered to be paid towards a person's expenses as a whole) be ascertained as soon as practicable by the registrar of criminal appeals.

Other awards by Court of Appeal out of central funds. 1968 c. 19.

8.—(1) The Court of Appeal may order the payment out of central funds of such sums as appear to the court reasonably sufficient to compensate a person properly attending to give evidence on an appeal under Part I of the Criminal Appeal Act 1968, or any proceedings preliminary or incidental thereto, whether or not he gives evidence, for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(2) Where an appellant who is not in custody appears before the Court of Appeal, either on the hearing of his appeal under Part I of the Criminal Appeal Act 1968 or in any proceedings preliminary or incidental thereto, the court may direct that there be paid to him out of central funds the expenses of his appearance.

(3) Any amount ordered to be paid under this section shall be ascertained as soon as practicable by the registrar of criminal appeals.

Awards by Court of Appeal against accused.

9.—(1) When the Court of Appeal dismiss an appeal or application for leave to appeal under Part I of the Criminal Appeal Act 1968, the court may order the appellant to pay to such person as may be named in the order the whole or any part of the costs of the appeal or application.

(2) Costs ordered to be paid under this section may include the cost of any transcript of a record of proceedings made in accordance with rules of court made for the purposes of section 32 of the Criminal Appeal Act 1968.

(3) The amount of costs ordered to be paid under this section shall (except where it is a specific amount ordered to be paid towards the costs of an appeal or application as a whole) be ascertained as soon as practicable by the registrar of criminal appeals.

Awards out of central funds on appeals from Court of Appeal.

10.—(1) The Court of Appeal on dismissing an application for leave to appeal to the House of Lords under Part II of the Criminal Appeal Act 1968, and that House on determining an appeal or application for leave to appeal under the said Part II, may order the payment out of central funds of the costs of the accused or the prosecutor.

(2) The costs payable out of central funds under subsection (1) above shall be such sums as appear to the Court of Appeal or the House of Lords (as the case may be) reasonably sufficient to compensate the party concerned for any expenses properly incurred by him in the case being—

(a) where the order is made (whether by the Court of Appeal or by the House of Lords) on the dismissal of an application for leave to appeal, any expenses of the application, and

(b) where the order is made by the House of Lords on the determination of an appeal, any expenses of the appeal (including any application for leave to appeal) or incurred in any court below.

(3) The amount of costs ordered to be paid under this section shall (except where it is a specific amount ordered to be paid towards a person's expenses as a whole) be ascertained as soon as practicable—

- (a) where the order is made by the Court of Appeal, by the registrar of criminal appeals ; and
- (b) where it is made by the House of Lords, by such officer or officers, and in such manner, as may be prescribed by order of the House.

11.—(1) Where the Court of Appeal or the House of Lords dismiss an application by the accused for leave to appeal to that House under Part II of the Criminal Appeal Act 1968, the Court of Appeal or the House of Lords may, if they think fit, order him to pay to such person as may be named in the order the whole or any part of the costs of the application.

Awards against accused applying for leave to appeal from Court of Appeal.
1968 c. 19.

(2) The amount of costs ordered to be paid under this section shall (except where it is a specific amount ordered to be paid towards the costs of the application as a whole) be ascertained as soon as practicable—

- (a) where the order is made by the Court of Appeal, by the registrar of criminal appeals ;
- (b) where the order is made by the House of Lords, by such officer or officers, and in such manner, as may be prescribed by order of the House.

Miscellaneous and general

12.—(1) Where an information charging an indictable offence is laid before a justice of the peace for any area but the information is not proceeded with (either by summary trial or by an inquiry by examining justices) a magistrates' court for that area may order the payment out of central funds of—

Awards where prosecution not proceeded with.

- (a) the costs properly incurred in preparing a defence to the offence charged, and
- (b) such sums as appear to the court reasonably sufficient to compensate any person attending to give evidence as a witness for the defence for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(2) The amount of costs ordered to be paid under subsection (1) above shall be ascertained as soon as practicable by the proper officer of the court.

(3) Where an information is laid before a justice of the peace for any area but the information is not proceeded with (either by summary trial or by an inquiry by examining magistrates), a magistrates' court for that area may make such order as to costs to be paid by the prosecutor to the accused as it thinks just and reasonable.

(4) An order under subsection (3) above shall specify the amount of the costs ordered to be paid.

(5) Where a person committed for trial is not ultimately tried, the Crown Court shall have the same power to order payment of costs under this Act as if the accused had been tried and acquitted.

Central funds.

13.—(1) In this Act and in any other enactment providing for payment of costs out of central funds "central funds" means money provided by Parliament.

(2) The Secretary of State shall, out of money so provided, pay to the persons charged with the duty of making the payments concerned all sums required to meet payments ordered to be made out of central funds under this Act or any other such enactment as is referred to in subsection (1) above.

Payment of costs ordered by superior courts to be paid out of central funds.

14.—(1) As soon as there has been ascertained the amount due to any person as costs ordered (under this or any other Act) by the Crown Court to be paid out of central funds, the appropriate officer of the Crown Court shall pay the amount so ascertained to that person, or to any person appearing to him to be acting on behalf of that person.

(2) As soon as there has been ascertained the amount due to any person as costs ordered (under this or any other Act) to be paid out of central funds by a Divisional Court, by the Court of Appeal or by the House of Lords,—

(a) the master of the Crown Office, in the case of a Divisional Court, and

(b) the registrar of criminal appeals, in the case of the Court of Appeal or the House of Lords,

shall pay the amount so ascertained to that person, or to any person appearing to him to be acting on behalf of that person.

Payment of costs ordered by magistrates' courts to be paid out of central funds.

15.—(1) As soon as there has been ascertained the amount due to any person as costs ordered to be paid out of central funds by a magistrates' court—

(a) dealing summarily with an indictable offence, or

(b) inquiring into an offence as examining justices and determining not to commit the accused for trial, or

(c) where an information is not proceeded with, as mentioned in section 12(1) above,

the justices' clerk shall pay to that person the amount so ascertained.

(2) As soon as there has been ascertained the amount due to any person as costs ordered to be paid out of central funds by a magistrates' court otherwise than as mentioned in subsection (1) above, the justices' clerk shall—

(a) so far as the amount is due for travelling or personal expenses in respect of that person's attendance, pay to him the amount due forthwith, and

(b) so far as the amount is not due for such expenses, send a certificate of the amount to the Crown Court, in accordance with arrangements made by the Lord Chancellor.

(3) Where a certificate is sent to the Crown Court under subsection (2) above the appropriate officer of the Crown Court shall pay to the person to whom the certificate relates, or to any person appearing to him to be acting on behalf of that person, the amount certified or any less amount which the Crown Court considers should have been allowed under this Act.

(4) The appropriate officer of the Crown Court shall, when practicable, include the amount payable as costs certified under this section in any order for payment of costs made by that court.

16.—(1) Where a court orders the payment of costs by the accused or the prosecutor and also orders the payment of costs out of central funds, the costs, so far as they are payable under both orders, shall be primarily payable out of central funds; and the court shall give notice to the Secretary of State of the order for the payment of costs by the accused or the prosecutor.

Payment of costs ordered to be paid out of central funds and by accused or prosecutor.

(2) To the extent that any costs are primarily payable out of central funds by an order (under this or any other Act) and have been paid out of those funds, the Secretary of State shall be entitled to be reimbursed out of any money due under any other court order for the payment of those costs, and to take any proceedings for the enforcement of any such other order providing for payment of costs by the prosecutor.

17.—(1) The Secretary of State may by statutory instrument make regulations generally for carrying this Act into effect and in particular may by regulations so made prescribe—

Regulations.

(a) rates or scales of payments of any costs payable out of central funds under this Act and the conditions under which such costs may be allowed;

- (b) the manner in which an officer of the court making a payment to any person in respect of his attendance to give evidence is to be repaid out of central funds ;
- (c) the form of orders, certificates and notices under this Act, and the giving of information when certificates are sent under this Act by the officer of any magistrates' court ;

and any provision of this Act enabling any sum to be paid out of central funds shall have effect subject to the regulations.

(2) Regulations under this section may, as respects costs payable out of central funds under any enactment, or as respects other costs payable under this Act, provide a right of appeal from any decision on taxation, or ascertainment of the amount, of the costs, whether to a Taxing Master of the Supreme Court or to any other officer or authority.

Miscellaneous
applications
of Act.
1948 c. 58.

18.—(1) This Act shall apply where a person is committed by a magistrates' court to the Crown Court—

- (a) with a view to his being sentenced to Borstal training under section 20 of the Criminal Justice Act 1948, or
- (b) with a view to his being sentenced for an indictable offence under section 29 of that Act, or
- (c) with a view to the making of a hospital order with an order restricting his discharge under Part V of the Mental Health Act 1959,

1959 c. 72.

as it applies where a person is convicted before the Crown Court.

1824 c. 83.

(2) This Act shall apply to a person committed by a magistrates' court as an incorrigible rogue under the Vagrancy Act 1824 as if he were committed for trial before the Crown Court and as if the committing court were examining justices.

(3) This Act shall apply to an appeal to the Crown Court under the Vagrancy Act 1824 as if the hearing of the appeal were a trial on indictment and as if the magistrates' court from which the appeal was brought were examining justices.

(4) This Act shall apply to—

- (a) proceedings for dealing with an offender under section 6, 8 or 9 of the Criminal Justice Act 1948 (probation orders and orders for conditional discharge),
- (b) proceedings under section 40(1) of the Criminal Justice Act 1967 for dealing with an offender in respect of a suspended sentence, and
- (c) proceedings under section 13, 17 or 18 of the Criminal Justice Act 1972 (suspended sentence supervision orders and community service orders),

1967 c. 80.

1972 c. 71.

as if the offender had been tried in those proceedings for the offence for which the order was made or the sentence passed.

(5) The provisions of this Act, except those relating to costs as between parties, shall apply with all necessary modifications to proceedings in which it is alleged that an offender required on conviction of an indictable offence to enter into a recognizance to keep the peace or be of good behaviour has failed to comply with a condition of that recognizance, as if that failure were an indictable offence.

19.—(1) Except as provided by sections 7 to 9 of this Act, no General costs shall be allowed on the hearing or determination of an appeal to the Court of Appeal under Part I of the Criminal Appeal Act 1968 or of any proceedings preliminary or incidental to such an appeal. ^{provisions as to costs.} 1968 c. 19.

(2) Except as provided by sections 10 and 11 of this Act, no costs shall be allowed on the hearing or determination of an appeal to the House of Lords under Part II of the Criminal Appeal Act 1968 or of any proceedings preliminary or incidental to such an appeal.

(3) Nothing in this Act shall affect the provision in any enactment for the payment of the costs of the prosecution or defence of any offence out of any assets, money or fund other than central funds, or by any person other than the prosecutor or defendant.

20.—(1) In this Act, except so far as the context otherwise requires, “magistrates’ court” means a court of summary jurisdiction or examining justices and includes a single examining justice. ^{Interpretation.}

(2) References in this Act to costs paid or ordered to be paid out of central funds under this Act shall be construed as including references to any sums so paid or ordered to be paid as compensation to or expenses of a witness or other person or as counsel’s or solicitor’s fees.

(3) In this Act “indictable offence” means an offence—

(a) which if committed by an adult is punishable only on conviction on indictment, or is punishable only on such conviction unless the accused consents to summary trial, or

(b) which by virtue of any enactment is punishable either on summary conviction or on conviction on indictment and which a magistrates’ court has begun, in accordance with section 18(1) of the Magistrates’ Courts Act 1952, to inquire into as if it were punishable on conviction on indictment only. 1952 c. 55.

1966 c. 31. (4) Subject to rules of court made under section 1(5) of the Criminal Appeal Act 1966 (distribution of business of Court of Appeal between civil and criminal divisions), all jurisdiction of the Court of Appeal under this Act shall be exercised by the criminal division of the Court ; and references in this Act to the Court of Appeal shall be construed accordingly as references to that division of the Court.

Consequential amendments, repeals and transitional provisions. **21.**—(1) Schedule 1 to this Act (which makes consequential amendments of enactments not consolidated) shall have effect.

(2) The enactments specified in Schedule 2 to this Act are repealed to the extent specified in the third column of that Schedule.

(3) In so far as any order, regulation or certificate made or issued, or having effect as if made or issued, under an enactment repealed by this Act, or any other thing done or having effect as if done under such an enactment, could have been made, issued or done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if made, issued or done under that corresponding provision.

(4) Where any Act or document refers, or has effect as if it referred, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

1889 c. 63. (5) Nothing in the preceding provisions of this section or in Schedule 1 to this Act shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

Short title, commencement and extent. **22.**—(1) This Act may be cited as the Costs in Criminal Cases Act 1973.

(2) This Act shall come into force on the expiration of the period of three months beginning with the day on which it is passed.

(3) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULES

Section 21(1).

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

1. In section 26(5) of the Magistrates' Courts Act 1952 (medical reports), for the words "The Costs in Criminal Cases Act 1952" there shall be substituted the words "The Costs in Criminal Cases Act 1973" and for the words "section five" there shall be substituted the words "section 1". 1952 c. 55.
2. In section 74(f) of the Solicitors Act 1957 (savings), for the words "the Costs in Criminal Cases Act 1952" there shall be substituted the words "the Costs in Criminal Cases Act 1973". 1957 c. 27.
3. In paragraph 4 of the Schedule to the Backing of Warrants (Republic of Ireland) Act 1965 (powers as to costs and legal aid), for the words from "section 5" to "local funds" there shall be substituted the words "section 1 of the Costs in Criminal Cases Act 1973 (award of costs by examining justices out of central funds)". 1965 c. 45.
4. In section 32(2) of the Criminal Justice Act 1967 (medical reports), after the words "Courts-Martial Appeal Court" there shall be inserted the words "and sections 1, 3 and 8(1) of the Costs in Criminal Cases Act 1973 (payment of costs out of central funds)"; and for the words "section 5" there shall be substituted the words "section 1". 1967 c. 80.
5. In the Criminal Appeal Act 1968— 1968 c. 19.
 - (a) in section 31 (powers of Court of Appeal under Part I exercisable by single judge), in subsection (1), after the word "below" there shall be inserted the words "and the powers to make orders for the payment of costs under sections 7 and 9 of the Costs in Criminal Cases Act 1973";
 - (b) in section 44 (powers of Court of Appeal under Part II exercisable by single judge), at the beginning, there shall be inserted the words "The power of the Court of Appeal to make an order for costs under section 10 of the Costs in Criminal Cases Act 1973, and"; and
 - (c) in paragraph 3 of Schedule 2 (acquittal on retrial), for the words from "paid out" to "shall" there shall be substituted the words "paid out of central funds under section 3 of the Costs in Criminal Cases Act 1973 shall"; and for the words "section 24 or 39 of this Act" there shall be substituted the words "section 7 or 10 of the Costs in Criminal Cases Act 1973".
6. In Schedule 9 to the Administration of Justice Act 1970 (enforcement of orders for costs, compensation, etc.) paragraph 5 shall be omitted and for paragraph 9 there shall be substituted the following paragraph:—
 - "9. Where a court makes an order by virtue of section 18 of the Costs in Criminal Cases Act 1973 for the payment of costs by an offender."

SCH. 1
1971 c. 23.

7. In section 50 of the Courts Act 1971 (Crown Court rules relating to costs)—

- (a) in subsection (3), for the words “ the Costs in Criminal Cases Act 1952 ” there shall be substituted the words “ the Costs in Criminal Cases Act 1973 ”, and for the words “ section 48 above ” there shall be substituted the words “ section 4 of that Act (awards by Crown Court as between parties) ”; and
- (b) in subsection (4), for the words from “ section 48 ” to “ Act ” there shall be substituted the words “ any enactment ”, and after the word “ Court ” there shall be inserted the words “ being an enactment passed before this Act or contained in the Costs in Criminal Cases Act 1973 ”.

Section 21(2).

SCHEDULE 2

REPEALS

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6 & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	The whole Act.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In Schedule 5, the entry relating to the Costs in Criminal Cases Act 1952.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In Part I of Schedule 7, the entry relating to the Costs in Criminal Cases Act 1952.
1967 c. 80.	The Criminal Justice Act 1967.	Section 31(1) and (2). In section 32(2), the words preceding the words “ section 33 ”, and the words from “ and section 47 ” to “ Crown Court out of central funds) ”.
1968 c. 19.	The Criminal Appeal Act 1968.	Section 32(4). Sections 24 to 28. Section 31(2)(g). Sections 39 to 41. Section 44(d). In Schedule 5, the entries relating to sections 12 and 17(2) of the Costs in Criminal Cases Act 1952.
1970 c. 31.	The Administration of Justice Act 1970.	In Schedule 9, paragraph 5.
1971 c. 23.	The Courts Act 1971.	Sections 47 to 49. Section 51(1). In section 51(2), the words “ the Costs in Criminal Cases Act 1952 and other ”. Section 52(1) and (2). In section 52(3), paragraph (a) and the words from “ by the prosecutor ” to “ may be ”.

SCH. 2

Chapter	Short Title	Extent of Repeal
1971 c. 23— <i>cont.</i>	The Courts Act 1971— <i>cont.</i>	<p>In section 52(5), the words from “Subsections (1)” to “1952; and”.</p> <p>In Schedule 6— paragraphs 1 to 5; paragraph 8; in paragraph 9(1), the words from “Section 5” to “appeals out of central funds,” and the words from “and after” onwards; paragraph 9(2); paragraph 11.</p> <p>In Schedule 9, the entry relating to the Costs in Criminal Cases Act 1952.</p>
1972 c. 71.	The Criminal Justice Act 1972.	<p>Section 39. Schedule 3.</p> <p>In Schedule 5, the amendments of the Costs in Criminal Cases Act 1952, and the amendment of paragraph 9 of Schedule 9 to the Administration of Justice Act 1970.</p>

PRINTED IN ENGLAND BY C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament



c. 14

Costs in Criminal Cases Act 1973

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

(387460)

SBN 10 541473 5