STATUTORY INSTRUMENTS

1977 No. 248

CRIMINAL PROCEDURE, ENGLAND AND WALES

The Costs in Criminal Cases (Central Funds) (Appeals) Regulations 1977

Made - - - -	*15th February* 1977
Coming into Operation	*2nd May* 1977

In exercise of the powers conferred upon me by section 17 of the Costs in Criminal Cases Act 1973**(a)**, I hereby make the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Costs in Criminal Cases (Central Funds) (Appeals) Regulations 1977 and shall come into operation on 2nd May 1977.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Costs in Criminal Cases Act 1973;

"taxing authority" means—

(*a*) in the case of proceedings in the Court of Appeal, the registrar of criminal appeals;

(*b*) in the case of proceedings in the Crown Court, the appropriate officer of the Crown Court; and

(*c*) in the case of proceedings in a Divisional Court of the Queen's Bench Division, the master of the Crown Office.

"Taxing Master" means a Master of the Supreme Court (Taxing Office).

(2) In these Regulations any reference to a Regulation shall be construed as a reference to a Regulation contained in these Regulations.

(3) The Interpretation Act 1889**(b)** shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Review by taxing authority

3.—(1) Where, after the coming into force of these Regulations, the costs of any person are ordered—

(*a*) by the Court of Appeal under section 7(1) or (2) or 10(1) of the Act; or

(*b*) by the Crown Court under section 3(1) or (2) thereof (including those provisions as applied by any of the provisions of section 18 thereof); or

(*c*) by a Divisional Court of the Queen's Bench Division under section 5(1) thereof,

to be paid out of central funds and that person is dissatisfied with the assessment by the taxing authority of the amount of costs due to him, he may, within 14 days of receiving notification thereof, apply to the taxing authority to review his decision.

(a) 1973 c. 14. **(b)** 1889 c. 63.

(2) The application shall be made by giving notice in writing to the taxing authority, specifying the items in respect of which the application is made and the grounds of objection.

(3) The taxing authority shall permit oral representations to be made by or on behalf of the applicant in support of the objections specified in the notice given under paragraph (2) above, and shall notify the applicant (or his agents) of the time at which he is prepared to hear such representations.

(4) The taxing authority shall reconsider his taxation in the light of the objections specified as aforesaid and any oral representations made by or on behalf of the applicant and shall notify the applicant (or his agents) of the result of his review.

Appeals to Taxing Master

4.—(1) Any applicant dissatisfied with the result of a review of taxation under Regulation 3 may, within 14 days of receiving notification thereof, request the taxing authority to supply him with reasons in writing for his decision and may, within 14 days of the receipt of such reasons, appeal to the Chief Taxing Master.

(2) The appeal shall be instituted by giving notice in writing to the Chief Taxing Master stating whether or not the appellant wishes to appear or be represented, and shall be accompanied by a copy of the notice given under Regulation 3(2) and of the reasons given by the taxing authority for his decision, together with the bill of costs and full supporting documents.

(3) The appellant shall send a copy of the notice of appeal to the taxing authority.

(4) The Chief Taxing Master shall send to the Secretary of State a copy of the notice of appeal, of the notice given under Regulation 3(2), of the reasons given by the taxing authority for his decision and of the bill of costs and of such other supporting documents as may be requested by the Secretary of State.

(5) With a view to ensuring that all considerations relevant to the appeal are taken into account, whether they relate to the interests of central funds or of the appellant, the Secretary of State may arrange for written or oral representations to be made on his behalf; and the Secretary of State shall send a copy of any such written representations to the appellant (or his agents) who shall be permitted a reasonable opportunity to make written representations in reply.

(6) If it is intended that oral representations be made on behalf of the Secretary of State, the Chief Taxing Master and the appellant (or his agents) shall be given written notice of such intention by or on behalf of the Secretary of State and such notice shall specify the grounds on which the representations will be founded.

(7) The appeal shall be conducted by a Taxing Master and, if the appellant has given notice of his intention to appear or be represented or notice has been given under paragraph (6) above by or on behalf of the Secretary of State, the Taxing Master shall inform the appellant (or his agents) and the Secretary of State of the date on which the hearing of the appeal will take place.

(8) On hearing an appeal, the Taxing Master shall permit oral representations to be made by or on behalf of the appellant and if notice under paragraph (6) above has been given, on behalf of the Secretary of State but, unless the Taxing Master otherwise directs,—

(*a*) no further evidence on the part of the appellant shall be received on hearing an appeal; and

(*b*) no ground of objection on the part of the appellant shall be valid which was not raised on the review under Regulation 3.

(9) Before reaching his decision the Taxing Master may consult the presiding judge who made the order for the payment of costs and the taxing authority.

(10) On an appeal, the Taxing Master may allow or disallow any item and may alter the assessment of the taxing authority in respect of any sum allowed, whether by increase or decrease.

(11) The Taxing Master shall communicate the result of the appeal to the appellant (or his agents), to the Secretary of State and to the taxing authority.

Appeals to the High Court

5.—(1) If the appellant or the Secretary of State is dissatisfied with the result of an appeal under Regulation 4 he may, within 14 days of receiving notification thereof, appeal by originating summons to a judge of the Queen's Bench Division of the High Court:

Provided that the appellant shall not be entitled to appeal under this Regulation unless the Taxing Master certifies that the question to be decided involves a point of principle of general importance.

(2) On the hearing of the appeal the judge may reverse, affirm or amend the decision appealed against.

Payment and repayment of costs

6.—(1) Where an assessment is increased on a review or on appeal under these Regulations the taxing authority shall pay the amount of the increase to the person entitled thereto.

(2) Where an assessment is decreased on such a review or appeal, any person who has received payment in respect of the assessment shall repay any excess paid to him to the taxing authority.

Extension of time limits

7.—(1) The period of time prescribed by Regulation 3(2) or 4(1) for giving notice to or requesting reasons from the taxing authority may be extended by him on such terms as he thinks just.

(2) The period of time prescribed by Regulation 4(1) for appealing to the Chief Taxing Master may be extended by him on such terms as he thinks just.

(3) The period of time prescribed by Regulation 5(1) for appealing to a judge of the Queen's Bench Division of the High Court may be extended by such a judge or the Taxing Master against whose decision the appeal is brought on such terms as he thinks just.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
15th February 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision enabling a person to apply for a review of the assessment of costs due to him, and to appeal therefrom, where his costs have been ordered by the Court of Appeal, the Crown Court or a Divisional Court of the Queen's Bench Division to be paid out of central funds under the Costs in Criminal Cases Act 1973.

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