STATUTORY INSTRUMENTS

2005 No. 2622

CRIMINAL LAW, ENGLAND AND WALES

The Costs in Criminal Cases (General) (Amendment) Regulations 2005

Made - - - -	*20th September 2005*
Laid before Parliament	*21st September 2005*
Coming into force - -	*3rd October 2005*

The Lord Chancellor, in exercise of the powers conferred upon him by section 20 of the Prosecution of Offences Act 1985(**a**), hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Costs in Criminal Cases (General) (Amendment) Regulations 2005 and shall come into force on 3rd October 2005.

(2) In these Regulations "the Regulations" means the Costs in Criminal Cases (General) Regulations 1986(**b**) and any reference to a regulation by number alone means the regulation so numbered in the Regulations.

2. These Regulations shall apply in relation to an appeal under regulation 11(3) or (5) of the Regulations instituted on or after 3rd October 2005, and in relation to an appeal instituted before that date the Regulations shall apply as if these Regulations had not been made.

3. In regulation 11(7), for "Part 8" substitute "Part 52".

4. In regulation 12(2), after "extend the time limit" insert "and shall consider whether it is reasonable in the circumstances to reduce the costs; provided that the costs shall not be reduced unless the representative has been allowed a reasonable opportunity to show cause orally or in writing why the costs should not be reduced".

20th September 2005 *Falconer of Thoroton, C.*

(**a**) 1985 c. 23.
(**b**) S.I. 1986/1335. There are relevant amendments in S.I. 1999/2096.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Part 3 of the Costs in Criminal Cases (General) Regulations 1986 (S.I. 1986/1335), which relates to orders for a defendant's costs to be paid out of central funds.

Regulation 11(7) is amended so that an appeal to the High Court against a cost judge's decision will be governed by Part 52 of the Civil Procedure Rules 1998, instead of Part 8.

Regulation 12(2) is amended so that where an application is made out of time the appropriate authority, Senior Costs Judge or (as applicable) court may reduce the amount of costs awarded if it considers it reasonable to do so, subject to the applicant having an opportunity to show cause why it should not do so.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

£3.00

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

E1350 9/2005 151350T 19585

ISBN 0-11-073365-7

9 780110 733654