



Courts Act 2003

2003 CHAPTER 39

PART 8

MISCELLANEOUS

Fees and costs

92 Fees

- (1) The Lord Chancellor may with the consent of the Treasury by order prescribe fees payable in respect of anything dealt with by—
 - (a) the [^{F1}Senior Courts],
 - [^{F2}(aa) the family court,]
 - (b) [^{F3}the county court], and
 - (c) magistrates' courts.
- (2) An order under this section may, in particular, contain provision as to—
 - (a) scales or rates of fees;
 - (b) exemptions from or reductions in fees;
 - (c) remission of fees in whole or in part.
- (3) When including any provision in an order under this section, the Lord Chancellor must have regard to the principle that access to the courts must not be denied.
- (4) The Lord Chancellor may not under this section prescribe fees which he or another authority has power to prescribe apart from this section.
- (5) Before making an order under this section, the Lord Chancellor must consult—
 - (a) the Lord Chief Justice;
 - (b) the Master of the Rolls;
 - [^{F4}(ba) the President of the Queen's Bench Division;
 - (c) the President of the Family Division;
 - (d) the Chancellor of the High Court;]

Changes to legislation: Courts Act 2003, Cross Heading: Fees and costs is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) the Head of Civil Justice;
 - (f) the Deputy Head of Civil Justice (if there is one).
- (6) Before making an order under this section in relation to civil proceedings, the Lord Chancellor must consult the Civil Justice Council.
- (7) The Lord Chancellor must take such steps as are reasonably practicable to bring information about fees to the attention of persons likely to have to pay them.
- (8) Fees payable under this section are recoverable summarily as a civil debt.
- (9) Subsection (10) applies in relation to an authority which has power to prescribe fees payable in any of the courts referred to in subsection (1).
- (10) Nothing in this section prevents the authority from applying to any extent provisions contained in an order made under this section; and an instrument made in exercise of the power is to be read (unless the contrary intention appears) as applying those provisions as amended from time to time.

Textual Amendments

- F1** Words in s. 92 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, **Sch. 11 para. 4**; [S.I. 2009/1604](#), **art. 2**
- F2** S. 92(1)(aa) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 95**; [S.I. 2014/954](#), **art. 2(d)** (with **art. 3**) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** Words in s. 92(1)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 40(a)**; [S.I. 2014/954](#), **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F4** S. 92(5)(ba)-(d) substituted (1.10.2005) for s. 92(5)(c)(d) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, **Sch. 4 para. 345**; [S.I. 2005/2505](#), **art. 2(c)**

93 Award of costs against third parties

After section 19A of the Prosecution of Offences Act 1985 (c. 23) insert—

“19B Provision for award of costs against third parties

- (1) The Lord Chancellor may by regulations make provision empowering magistrates' courts, the Crown Court and the Court of Appeal to make a third party costs order if the condition in subsection (3) is satisfied.
- (2) A “third party costs order” is an order as to the payment of costs incurred by a party to criminal proceedings by a person who is not a party to those proceedings (“the third party”).
- (3) The condition is that—
 - (a) there has been serious misconduct (whether or not constituting a contempt of court) by the third party, and
 - (b) the court considers it appropriate, having regard to that misconduct, to make a third party costs order against him.
- (4) Regulations made under this section may, in particular—

Changes to legislation: Courts Act 2003, Cross Heading: Fees and costs is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) specify types of misconduct in respect of which a third party costs order may not be made;
 - (b) allow the making of a third party costs order at any time;
 - (c) make provision for any other order as to costs which has been made in respect of the proceedings to be varied on, or taken account of in, the making of a third party costs order;
 - (d) make provision for account to be taken of any third party costs order in the making of any other order as to costs in respect of the proceedings.
- (5) Regulations made under this section in relation to magistrates' courts must provide that the third party may appeal to the Crown Court against a third party costs order made by a magistrates' court.
- (6) Regulations made under this section in relation to the Crown Court must provide that the third party may appeal to the Court of Appeal against a third party costs order made by the Crown Court.”

94 Award of costs in appeals under Proceeds of Crime Act 2002

- (1) Amend the Proceeds of Crime Act 2002 (c. 29) as follows.
- (2) In section 89 (procedure on appeal to the Court of Appeal), after subsection (3) insert—
- “(4) Subject to any rules made under section 91, the costs of and incidental to all proceedings on an appeal to the criminal division of the Court of Appeal under—
- (a) section 43(1) or (2) (appeals against orders made in restraint proceedings), or
 - (b) section 65 (appeals against, or relating to, the making of receivership orders),
- are in the discretion of the court.
- (5) Such rules may in particular make provision for regulating matters relating to the costs of those proceedings, including prescribing scales of costs to be paid to legal or other representatives.
- (6) The court shall have full power to determine by whom and to what extent the costs are to be paid.
- (7) In any proceedings mentioned in subsection (4), the court may—
- (a) disallow, or
 - (b) (as the case may be) order the legal or other representative concerned to meet,
- the whole of any wasted costs or such part of them as may be determined in accordance with rules under section 91.
- (8) In subsection (7) “wasted costs” means any costs incurred by a party—
- (a) as a result of any improper, unreasonable or negligent act or omission on the part of any legal or other representative or any employee of such a representative, or

Changes to legislation: Courts Act 2003, Cross Heading: Fees and costs is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) which, in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay.
- (9) “Legal or other representative”, in relation to a party to proceedings means any person exercising a right of audience or right to conduct litigation on his behalf.”
- (3) Subsection (2) applies in relation to proceedings on appeals in respect of offences committed or alleged to have been committed on or after 24th March 2003.
- (4) In section 91 (Crown Court Rules) after “Crown Court Rules” insert “ or (as the case may be) Criminal Appeal Rules ”.

Changes to legislation:

Courts Act 2003, Cross Heading: Fees and costs is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))