



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART II

CIVIL JURISDICTION AND PROCEDURE

Costs

64 Power to award costs and enforcement of costs.

- (1) On the hearing of a complaint, a magistrates' court shall have power in its discretion to make such order as to costs—
- on making the order for which the complaint is made, to be paid by the defendant to the complainant;
 - on dismissing the complaint, to be paid by the complainant to the defendant, as it thinks just and reasonable; but if the complaint is for an order for the ^[F1]variation of an order for the periodic payment of money, or for the enforcement of such an order, the court may, whatever adjudication it makes, order either party to pay the whole or any part of the other's costs.

^[F2](1A) Subsection (1) does not apply to family proceedings.]

- (2) The amount of any sum ordered to be paid under ^[F3]subsection (1) or (4A)] shall be specified in the order, or order of dismissal, as the case may be.

- (3) Subject to subsection (4) below, costs ordered to be paid under this section shall be enforceable as a civil debt.

^[F4](4) Any costs awarded on a complaint for a maintenance order, or for the enforcement, variation, revocation, discharge or revival of such an order, against the person liable to make payments under the order shall be enforceable as a sum ordered to be paid by a magistrates' court maintenance order.]

^[F5](4A) Subject to the provisions of any other enactment, the costs of and incidental to all family proceedings in any magistrates' court (including those required to be issued by complaint and those relating to the making of a periodic payment order) shall be in

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the discretion of that court and that court shall have full power to determine by whom and to what extent costs are to be paid.]

- (5) The preceding provisions of this section shall have effect subject to any other Act enabling a magistrates' court to order a successful party to pay the other party's costs.

Textual Amendments

- F1** Words in s. 64(1) substituted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, **10(a)** (with art. 39)
- F2** S. 64(1A) inserted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, **10(b)** (with art. 39)
- F3** Words in s. 64(2) substituted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, **10(c)** (with art. 39)
- F4** S. 64(4) substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1)(2), Sch. 2 para. 81, Sch. 3 paras. 1, **6**
- F5** S. 64(4A) inserted (6.4.2011) by [The Family Procedure \(Modification of Enactments\) Order 2011 \(S.I. 2011/1045\)](#), arts. 1, **10(d)** (with art. 39)

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