



Prosecution of Offences Act 1985

1985 CHAPTER 23

PART II

[^{F1}DEFENCE, PROSECUTION AND THIRD PARTY] COSTS IN CRIMINAL CASES

Award of costs out of central funds

17 Prosecution costs.

(1) Subject to [^{F1}subsections (2) and (2A)] below, the court may—

- (a) in any proceedings in respect of an indictable offence; and
- (b) in any proceedings before a Divisional Court of the Queen's Bench Division or the [^{F2}Supreme Court] in respect of a summary offence;

order the payment out of central funds of such amount as the court considers reasonably sufficient to compensate the prosecutor for any expenses properly incurred by him in the proceedings.

(2) No order under this section may be made in favour of—

- (a) a public authority; or
- (b) a person acting—
 - (i) on behalf of a public authority; or
 - (ii) in his capacity as an official appointed by such an authority.

[^{F3}(2A) Where the court considers that there are circumstances that make it inappropriate for the prosecution to recover the full amount mentioned in subsection (1), an order under this section must be for the payment out of central funds of such lesser amount as the court considers just and reasonable.

(2B) When making an order under this section, the court must fix the amount to be paid out of central funds in the order if it considers it appropriate to do so and—

- (a) the prosecutor agrees the amount, or
- (b) subsection (2A) applies.

*Changes to legislation: There are currently no known outstanding effects for the
 Prosecution of Offences Act 1985, Section 17. (See end of Document for details)*

- (2C) Where the court does not fix the amount to be paid out of central funds in the order—
- (a) it must describe in the order any reduction required under subsection (2A), and
 - (b) the amount must be fixed by means of a determination made by or on behalf of the court in accordance with procedures specified in regulations made by the Lord Chancellor.]

^{F4}(3)

^{F4}(4)

- (5) Where the conduct of proceedings to which subsection (1) above applies is taken over by the Crown Prosecution Service, that subsection shall have effect as if it referred to the prosecutor who had the conduct of the proceedings before the intervention of the Service and to expenses incurred by him up to the time of intervention.

- (6) In this section “public authority ” means—
- (a) a police force within the meaning of section 3 of this Act;
 - (b) the Crown Prosecution Service or any other government department;
 - (c) a local authority or other authority or body constituted for purposes of—
 - (i) the public service or of local government; or
 - (ii) carrying on under national ownership any industry or undertaking or part of an industry or undertaking; or
 - (d) any other authority or body whose members are appointed by Her Majesty or by any Minister of the Crown or government department or whose revenues consist wholly or mainly of money provided by Parliament.

Textual Amendments

- F1** Words in s. 17(1) substituted (1.10.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 7 para. 4\(2\)](#) (with Sch. 7 Pt. 4); S.I. 2012/2412, art. 2(g)
- F2** Words in s. 17(1)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 9 para. 41\(3\)](#); S.I. 2009/1604, art. 2(d)
- F3** S. 17(2A)-(2C) inserted (1.10.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 7 para. 4\(3\)](#) (with Sch. 7 Pt. 4); S.I. 2012/2412, art. 2(g)
- F4** S. 17(3)(4) omitted (1.10.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 7 para. 4\(4\)](#) (with Sch. 7 Pt. 4); S.I. 2012/2412, art. 2(g)

Modifications etc. (not altering text)

- C1** S. 17 applied by [S.I. 1986/1335](#), [art. 14\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Section 17.