



# Prosecution of Offences Act 1985

## 1985 CHAPTER 23

### PART II

#### COSTS IN CRIMINAL CASES

##### *Award of costs against accused*

#### **18 Award of costs against accused.**

(1) Where—

- (a) any person is convicted of an offence before a magistrates' court;
- (b) the Crown Court dismisses an appeal against such a conviction or against the sentence imposed on that conviction; or
- (c) any person is convicted of an offence before the Crown Court;

the court may make such order as to the costs to be paid by the accused to the prosecutor as it considers just and reasonable.

(2) Where the Court of Appeal dismisses—

- (a) an appeal or application for leave to appeal under Part I of the <sup>M1</sup>Criminal Appeal Act 1968; or
- (b) an application by the accused for leave to appeal to the House of Lords under Part II of that Act;

it may make such order as to the costs to be paid by the accused, to such person as may be named in the order, as it considers just and reasonable [<sup>F1</sup>or

- (c) an appeal or application for leave to appeal under section 9(11) of the Criminal Justice Act 1987;]

[<sup>F2</sup>or

- (d) an appeal or application for leave to appeal under section 35(1) of the Criminal Procedure and Investigations Act 1996.]

[<sup>F3</sup>(2A) Where the Court of Appeal reverses or varies a ruling on an appeal under Part 9 of the Criminal Justice Act 2003, it may make such order as to the costs to be paid by

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*Status: Point in time view as at 04/04/2005. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Section 18. (See end of Document for details)*

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the accused, to such person as may be named in the order, as it considers just and reasonable.]

- (3) The amount to be paid by the accused in pursuance of an order under this section shall be specified in the order.
- (4) Where any person is convicted of an offence before a magistrates' court and—
- (a) under the conviction the court orders payment of any sum as a fine, penalty, forfeiture or compensation; and
  - (b) the sum so ordered to be paid does not exceed £5;
- the court shall not order the accused to pay any costs under this section unless in the particular circumstances of the case it considers it right to do so.
- (5) Where any person under [<sup>F4</sup>the age of eighteen] is convicted of an offence before a magistrates' court, the amount of any costs ordered to be paid by the accused under this section shall not exceed the amount of any fine imposed on him.
- (6) Costs ordered to be paid under subsection (2) [<sup>F5</sup>or (2A)] above may include the reasonable cost of any transcript of a record of proceedings made in accordance with rules of court made for the purposes of section 32 of the Act of 1968.

#### Textual Amendments

- F1** S. 18(2)(c) added by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 15, **Sch. 2 para. 16**
- F2** S. 18(2)(d) and preceding word inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 312(3), 336**; [S.I. 2005/950, art. 2\(1\)](#), **Sch. 1 para. 25** (subject to [art. 2\(2\), Sch. 2](#)) (as amended by [2005/2122](#), [art. 2](#) and [2007/391](#), [art. 2](#))
- F3** S. 18(2A) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 69(3), 336**; [S.I. 2005/950, art. 2\(1\)](#), **Sch. 1 para. 4** (subject to [art. 2\(2\), Sch. 2](#)) (as amended by [2005/2122](#), [art. 2](#) and [2007/391](#), [art. 2](#))
- F4** Words in s. 18(5) substituted (3.2.1995) by [1994 c. 33, s. 168\(3\)](#), **Sch. 9 para. 26**; [S.I. 1995/127, art. 2\(1\)](#), **Sch. Appendix A**
- F5** Words in s. 18(6) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 69(4), 336**; [S.I. 2005/950, art. 2\(1\)](#), **Sch. 1 para. 4** (subject to [art. 2\(2\), Sch. 2](#)) (as amended by [2005/2122](#), [art. 2](#) and [2007/391](#), [art. 2](#))

#### Modifications etc. (not altering text)

- C1** S. 18 applied by [S.I. 1986/1335, art. 14\(1\)\(2\)\(3\)](#)

#### Marginal Citations

- M1** [1968 c. 19](#).

**Status:**

Point in time view as at 04/04/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Section 18.