



Prosecution of Offences Act 1985

1985 CHAPTER 23

PART II

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

Other awards

[^{F1}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—
 - (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.

*Changes to legislation: There are currently no known outstanding effects for the
Prosecution of Offences Act 1985, Section 19B. (See end of Document for details)*

- (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.]

Textual Amendments

F1 S. 19B inserted (1.2.2004) by [Courts Act 2003 \(c. 39\)](#), [ss. 93, 110](#); [S.I. 2004/174](#), [art. 2\(a\)](#)

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There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Section 19B.