



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

112 Costs against legal representatives in magistrates' courts.

The following section shall be inserted in the ^{M1} Magistrates' Courts Act 1980 after section 145 (which contains supplementary provisions about rules of court)—

“145A Rules: costs order against legal representative.

- (1) In any civil proceedings, a magistrates' court may disallow or (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.
- (2) In subsection (1), “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
 - (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.
- (3) In this section “legal or other representative”, in relation to any proceedings, means any person who is exercising a right of audience, or a right to conduct litigation, on behalf of any party to the proceedings.
- (4) Rules made by virtue of this section may, in particular, make provision as to the destination of any payment required to be made under the rules (including provision for the reimbursement of sums paid by the Legal Aid Board).

Status: Point in time view as at 01/01/2010.

Changes to legislation: Courts and Legal Services Act 1990, Section 112 is up to date with all changes known to be in force on or before 20 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)

- (5) Rules made by virtue of this section—
- (a) shall require a magistrates' court which proposes to act under the rules against a legal or other representative to allow him a reasonable opportunity to appear before it and show cause why it should not do so;
 - (b) shall provide that action may be taken under the rules either on the application of any party to the proceedings or on the motion of the court;
 - (c) shall provide that no such action shall be taken after the end of the period of six months beginning with the date on which the proceedings are disposed of by the court; and
 - (d) shall provide that a legal or other representative against whom action is taken under the rules may appeal to the Crown Court.”

Commencement Information

I1 S. 112 wholly in force at 1.10.1991 see s. 124(3) and S.I. 1991/1883, art.2

Marginal Citations

M1 1980 c. 43.

Status:

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