



Courts Act 2003

2003 CHAPTER 39

PART 2 **E+W**

JUSTICES OF THE PEACE

Protection and indemnification of justices and justices' clerks

34 **Costs in legal proceedings** **E+W**

- (1) A court may not order a justice of the peace to pay costs in any proceedings in respect of what he does or omits to do in the execution (or purported execution) of his duty as a justice of the peace.
- ^{F1}(2)
- (3) But [^{F2}subsection (1) does] not apply in relation to any proceedings in which a justice of the peace ^{F3}...—
 - (a) is being tried for an offence or is appealing against a conviction, or
 - (b) is proved to have acted in bad faith in respect of the matters giving rise to the proceedings.
- (4) A court which is prevented by subsection (1) [^{F4}from ordering a justice of the peace] to pay costs in any proceedings may instead order the Lord Chancellor to make a payment in respect of the costs of a person in the proceedings.
- (5) The Lord Chancellor may [^{F5}, after consulting the Lord Chief Justice,] make regulations specifying—
 - (a) circumstances in which a court must or must not exercise the power conferred on it by subsection (4), and
 - (b) how the amount of any payment ordered under subsection (4) is to be determined.
- [^{F6}(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Changes to legislation: Courts Act 2003, Section 34 is up to date with all changes known to be in force on or before 25 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) View outstanding changes

Textual Amendments

- F1** S. 34(2) omitted (6.4.2020) by virtue of Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 29(2)**; S.I. 2020/24, reg. 3(b)
- F2** Words in s. 34(3) substituted (6.4.2020) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 29(3)(a)**; S.I. 2020/24, reg. 3(b)
- F3** Words in s. 34(3) omitted (6.4.2020) by virtue of Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 29(3)(b)**; S.I. 2020/24, reg. 3(b)
- F4** Words in s. 34(4) substituted (6.4.2020) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 29(4)**; S.I. 2020/24, reg. 3(b)
- F5** Words in s. 34(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 329(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)
- F6** S. 34(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 329(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(y)

Changes to legislation:

Courts Act 2003, Section 34 is up to date with all changes known to be in force on or before 25 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))