

Status: Point in time view as at 13/04/2015.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Part 2 is up to date with all changes known to be in force on or before 16 July 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)

SCHEDULES

SCHEDULE 7

COSTS IN CRIMINAL CASES

PART 2

ATTORNEY GENERAL'S REFERENCES

Reference of point of law following acquittal on indictment

- 9 (1) Section 36 of the Criminal Justice Act 1972 (reference of point of law following acquittal on indictment) is amended as follows.
- (2) In subsection (5) omit “to his costs, that is to say”.
- (3) Omit subsection (5A).
- (4) After that subsection insert—
- “(5A) Subsection (5) has effect subject to—
- (a) subsection (5B), and
- (b) regulations under section 20(1A)(d) of the Prosecution of Offences Act 1985 (as applied by this section).
- (5B) A person is not entitled under subsection (5) to the payment of sums in respect of legal costs (as defined in section 16A of the Prosecution of Offences Act 1985) incurred in proceedings in the Court of Appeal.
- (5C) Subsections (1A) to (1C) and (3) of section 20 of the Prosecution of Offences Act 1985 (regulations as to amounts ordered to be paid out of central funds) apply in relation to amounts payable out of central funds under subsection (5) as they apply in relation to amounts payable out of central funds in pursuance of costs orders made under section 16 of that Act.”
- 10 In consequence of the amendments made by paragraph 9, omit paragraph 8 of Schedule 1 to the Prosecution of Offences Act 1985.

Reference of sentence of Crown Court appearing to be unduly lenient

- 11 (1) Schedule 3 to the Criminal Justice Act 1988 (reference of sentence of Crown Court appearing to be unduly lenient) is amended as follows.
- (2) In paragraph 11 (recovery of costs of representation)—
- (a) number the existing provision sub-paragraph (1),
- (b) in that sub-paragraph, omit “to his costs, that is to say”, and
- (c) after that sub-paragraph insert—

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- “(2) Sub-paragraph (1) has effect subject to—
- (a) sub-paragraph (3), and
 - (b) regulations under section 20(1A)(d) of the Prosecution of Offences Act 1985 (as applied by this paragraph).
- (3) A person is not entitled under sub-paragraph (1) to the payment of sums in respect of legal costs (as defined in section 16A of the Prosecution of Offences Act 1985) incurred in proceedings in the Court of Appeal.
- (4) Subsections (1A) to (1C) and (3) of section 20 of the Prosecution of Offences Act 1985 (regulations as to amounts ordered to be paid out of central funds) apply in relation to funds payable out of central funds under sub-paragraph (1) as they apply in relation to amounts payable out of central funds in pursuance of costs orders made under section 16 of that Act.”

- (3) In paragraph 12 (application to Northern Ireland)—
- (a) for “11”, in each place, substitute “ 11(1) ”, and
 - (b) after sub-paragraph (d) insert—
 - “(e) paragraph 11 has effect as if sub-paragraphs (2) to (4) were omitted.”

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