



# Criminal Justice and Courts Act 2015

## 2015 CHAPTER 2

### PART 3

#### COURTS AND TRIBUNALS

##### *Costs of criminal courts*

#### 54 Criminal courts charge

(1) In the Prosecution of Offences Act 1985, after Part 2 insert—

#### “PART 2A

##### COURT COSTS IN CRIMINAL CASES

#### 21A Criminal courts charge

- (1) A court mentioned in section 21B must, at the times listed there, order a person convicted of an offence to pay a charge in respect of relevant court costs, subject to—
  - (a) subsections (2) and (3), and
  - (b) section 21C.
- (2) An order must not be made if the person was under 18 when the offence was committed.
- (3) An order must not be made in a case or class of case prescribed by the Lord Chancellor by regulations.
- (4) A court must not take into account the duty under subsection (1) or any order under this section when dealing with a person (other than under this section) for an offence or for a failure to comply with a requirement mentioned in section 21B.

(5) In this section—

“court costs” means costs of providing the judiciary and the rest of the system of courts, but does not include defence or prosecution costs;

“relevant court costs” means court costs incurred in connection with criminal proceedings or proceedings for a failure to comply with a requirement mentioned in section 21B, but does not include costs of providing the Supreme Court or judges of that Court.

### **21B Criminal courts charge: courts and times**

(1) A magistrates’ court must make an order under section 21A at the following times—

- (a) when dealing with the person for the offence;
- (b) when dealing with the person under Schedule 8 to the Criminal Justice Act 2003 for failure to comply with any of the requirements of a community order;
- (c) when dealing with the person under Schedule 12 to the Criminal Justice Act 2003 for failure to comply with any of the community requirements of a suspended sentence order;
- (d) when dealing with the person under section 256AC of the Criminal Justice Act 2003 for failure to comply with a supervision requirement imposed under section 256AA of that Act.

(2) The Crown Court must make an order under section 21A at the following times—

- (a) when dealing with the person for the offence;
- (b) when dealing with the person under Schedule 8 to the Criminal Justice Act 2003 for failure to comply with any of the requirements of a community order;
- (c) when dealing with the person under Schedule 12 to the Criminal Justice Act 2003 for failure to comply with any of the community requirements of a suspended sentence order;
- (d) when dismissing an appeal by the person against conviction or sentence for the offence.

(3) The Court of Appeal must make an order under section 21A at the following times—

- (a) when dismissing an appeal under Part 1 of the Criminal Appeal Act 1968 against the person’s conviction or sentence for the offence;
- (b) when dismissing an application for leave to bring such an appeal.

### **21C Amount of criminal courts charge**

(1) A charge ordered to be paid under section 21A must be of an amount specified by the Lord Chancellor by regulations.

(2) When specifying amounts under this section, the Lord Chancellor must seek to secure that an amount specified in respect of a class of case does not exceed the relevant court costs reasonably attributable to a case of that class.

- (3) In this section “relevant court costs” has the same meaning as in section 21A.

#### **21D Interest on criminal courts charge**

- (1) The Lord Chancellor may by regulations provide that a person who is ordered to pay a charge under section 21A must pay interest on the charge if or to the extent that it remains unpaid.
- (2) The regulations may, in particular—
- (a) make provision about the rate of interest,
  - (b) make provision about periods when interest is or is not payable, and
  - (c) make provision by reference to a measure or document as amended from time to time.
- (3) The regulations may not make provision for a rate of interest that is higher than the rate that the Lord Chancellor considers would maintain the value in real terms of amounts that remain unpaid.
- (4) An amount of interest payable under the regulations is to be treated as part of the charge ordered to be paid under section 21A.

#### **21E Power to remit criminal courts charge**

- (1) A magistrates’ court may remit the whole or part of a charge ordered to be paid by a person under section 21A, subject to the restrictions in subsections (2) to (4).
- (2) It may remit the charge only if—
- (a) it is satisfied that the person has taken all reasonable steps to pay it, having regard to the person’s personal circumstances, or
  - (b) it is satisfied that collection and enforcement of the charge is impracticable.
- (3) It may not remit the charge at a time when the person is detained in prison.
- (4) It may not remit the charge unless each of following has expired—
- (a) a specified period beginning with the day on which an order under section 21A was last made in respect of the person;
  - (b) a specified period beginning with the day on which the person was last convicted of an offence;
  - (c) where relevant, a specified period beginning with the day on which the person was last released from prison.
- (5) Where a court remits a charge under section 21A after an order has been made under section 300(2) of the Criminal Justice Act 2003 (power to impose unpaid work requirement etc on fine defaulter) for default in paying the charge (or the charge and other amounts), the court must—
- (a) reduce the total number of hours or days to which the order relates by the same proportion as the amount remitted bears to the total amount in respect of which the order was made, or
  - (b) if the total number of hours or days would be reduced to nil under paragraph (a), revoke the order.

(6) In calculating a reduction required by subsection (5), any fraction of an hour or day is to be rounded down to the nearest hour or day.

(7) In this section—

“prison” includes any place where a person serving a sentence of detention for an offence is liable to be detained;

“specified period” means a period of a length specified by the Lord Chancellor by regulations.

### **21F Regulations under this Part**

Regulations under this Part may include transitional, transitory and saving provision.”

(2) In Part 1 of Schedule 9 to the Administration of Justice Act 1970 (cases where payment enforceable as on summary conviction)—

(a) after paragraph 9 insert—

“9A Where a court orders the payment of a charge in respect of relevant court costs under section 21A of the Prosecution of Offences Act 1985.”,

(b) re-number paragraph 13 as paragraph 12A, and

(c) re-number paragraph 13A as paragraph 12B.

(3) Schedule 12 to this Act makes further provision about the criminal courts charge.

(4) Section 21A of the Prosecution of Offences Act 1985 applies only in relation to a person convicted of an offence committed after that section comes into force.