



Administration of Justice (Miscellaneous Provisions) Act 1933

1933 CHAPTER 36 23 and 24 Geo 5

7 Costs in Crown proceedings.

(1) In any civil proceedings to which the Crown is a party in any court having power to award costs in cases between subjects, and in any arbitration to which the Crown is a party, the costs of and incidental to the proceedings shall be in the discretion of the court or arbitrator to be exercised in the same manner and on the same principles as in cases between subjects, and the court or arbitrator shall have power to make an order for the payment of costs by or to the Crown accordingly:

Provided that—

- (a) in the case of proceedings to which by reason of any enactment or otherwise the Attorney-General, a Government department or any officer of the Crown as such is required to be made a party, the court or arbitrator shall have regard to the nature of the proceedings and the character and circumstances in which the Attorney-General, the department or officer of the Crown appears, and may in the exercise of its or his discretion order any other party to the proceedings to pay the costs of the Attorney-General, department or officer, whatever may be the result of the proceedings; and
- (b) nothing in this section shall affect the power of the court or arbitrator to order, or any enactment providing for, the payment of costs out of any particular fund or property, or any enactment expressly relieving any department or officer of the Crown of the liability to pay costs.

(2) In this section the expression “civil proceedings” includes proceedings by petition of right and proceedings by the Crown in the High Court or [^{F1}the county court] for the recovery of fines or penalties, and references to proceedings to which the Crown is a party include references to proceedings to which the Attorney-General or any Government department or any officer of the Crown as such is a party, so, however, that the Crown shall not be deemed to be a party to any proceedings by reason only that the proceedings are proceedings by the Attorney-General on the relation of some other person.

^{F2}(3)

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice (Miscellaneous Provisions) Act 1933, Section 7. (See end of Document for details)

Textual Amendments

- F1** Words in s. 7(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** S. 7(3) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt.III](#).

Modifications etc. (not altering text)

- C1** S. 7 applied by [Trade Marks Act 1938 \(c. 22\)](#), s. 48 (2)

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