

---

STATUTORY INSTRUMENTS

---

**1991 No. 2096**

**The Magistrates' Courts (Costs Against Legal Representatives in Civil Proceedings) Rules 1991**

**General**

2.—(1) A wasted costs order may provide that the whole or any part of the wasted costs incurred by a party shall be disallowed or (as the case may be) met by the legal or other representative concerned and the court shall specify the amount of such costs.

(2) Subject to paragraph (7) below, a court may make a wasted costs order either on the application of a party to the proceedings or on its own motion and when doing so the justices' clerk shall make a record of the order in writing, and the reasons for the decision of the court.

(3) Before making a wasted costs order, the court shall allow the legal or other representative a reasonable opportunity to appear before it and show cause why the order should not be made.

(4) Subject to paragraphs (5) and (6) below, any payments which are required to be made by a legal or other representative under a wasted costs order shall be made to the party who has incurred the wasted costs.

(5) Where the party who has incurred wasted costs is receiving assistance by way of representation under Part III of the 1988 Act and which has been approved under regulation 22 of the Legal Advice and Assistance Regulations 1989(1), any payments which are required to be made by a legal or other representative under a wasted costs order shall be paid to the justices' clerk in accordance with regulation 31 of those Regulations.

(6) Where the party who has incurred wasted costs is being granted representation under Part IV of the 1988 Act, any payments which are required to be made by a legal or other representative under a wasted costs order shall be paid to the justices' clerk in accordance with regulation 89 (a) of the Civil Legal Aid (General) Regulations 1989(2).

(7) A court shall not make a wasted costs order after the end of the period of six months beginning with the date on which the proceedings are disposed of by the court.

(8) Where a wasted costs order has been made, the justices' clerk shall, as soon as practicable, serve a copy of the order on any interested party and on the legal or other representative concerned.

---

(1) S.I.1989/340, amended by S.I. 1989/560.

(2) S.I. 1989/339.