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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations are made under sections 26, 27 and 28 of the Armed Forces Act 2001 and contain provisions on the following matters:

- (a) they enable a court-martial, a summary appeal court, the Courts-Martial Appeal Court and a Standing Civilian Court to make orders for the payment of costs which have been incurred by one of the parties to proceedings for an offence under the services Acts as a result of an unnecessary or improper act or omission by another party (regulation 3);
- (b) they enable any of these courts to disallow or order the legal or other representative of a party to proceedings for an offence under the services Acts to meet the wasted costs incurred by a party to such proceedings (regulation 4);
- (c) they provide for appeals against the orders referred to in (a) and (b) (regulation 5);
- (d) they enable the party benefiting from a wasted costs order to recover an outstanding payment through the magistrates' courts and enable the Lord Chancellor or the Secretary of State for Defence to recover payments where the person required to make the payment was receiving services funded by the Criminal Defence Service or a legal aid scheme operated by any of Her Majesty's forces (regulation 6);
- (e) they provide for recovery of certain of Her Majesty's forces' costs as if they were incurred by the prosecuting authority (regulation 7) and specify the recipient of such costs (regulation 8).