
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 45

COSTS

GENERAL RULES

Costs orders: general rules

45.2.—(1) The court must not make an order about costs unless each party and any other person directly affected—

- (a) is present; or
- (b) has had an opportunity—
 - (i) to attend, or
 - (ii) to make representations.

(2) The court may make an order about costs—

- (a) at a hearing in public or in private; or
- (b) without a hearing.

(3) In deciding what order, if any, to make about costs, the court must have regard to all the circumstances, including—

- (a) the conduct of all the parties; and
- (b) any costs order already made.

(4) If the court makes an order about costs, it must—

- (a) specify who must, or must not, pay what, to whom; and
- (b) identify the legislation under which the order is made, where there is a choice of powers.

(5) The court must give reasons if it—

- (a) refuses an application for a costs order; or
- (b) rejects representations opposing a costs order.

(6) If the court makes an order for the payment of costs—

- (a) the general rule is that it must be for an amount that is sufficient reasonably to compensate the recipient for costs—
 - (i) actually, reasonably and properly incurred, and
 - (ii) reasonable in amount; but
- (b) the court may order the payment of—
 - (i) a proportion of that amount,

- (ii) a stated amount less than that amount,
 - (iii) costs from or until a certain date only,
 - (iv) costs relating only to particular steps taken, or
 - (v) costs relating only to a distinct part of the case.
- (7) On an assessment of the amount of costs, relevant factors include—
- (a) the conduct of all the parties;
 - (b) the particular complexity of the matter or the difficulty or novelty of the questions raised;
 - (c) the skill, effort, specialised knowledge and responsibility involved;
 - (d) the time spent on the case;
 - (e) the place where and the circumstances in which work or any part of it was done; and
 - (f) any direction or observations by the court that made the costs order.
- (8) If the court orders a party to pay costs to be assessed under rule 45.11, it may order that party to pay an amount on account.
- (9) An order for the payment of costs takes effect when the amount is assessed, unless the court exercises any power it has to order otherwise.

[Note. Under the powers to which apply rule 45.8 (Costs resulting from unnecessary or improper act, etc.) and rule 45.9 (Costs against a legal representative), specified conduct must be established for such orders to be made.

The amount recoverable under a costs order may be affected by the legislation under which the order is made. See, for example, section 16A of the Prosecution of Offences Act 1985(1).

Under section 141 of the Powers of Criminal Courts (Sentencing) Act 2000(2) and section 75 of the Magistrates' Courts Act 1980(3), the Crown Court and magistrates' court respectively can allow time for payment, or payment by instalments.]

(1) 1985 c. 23; section 16A was inserted by paragraphs 1 and 3 and Part 4 of Schedule 7 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

(2) 2000 c. 6.

(3) 1980 c. 43, section 75 was amended by section 11 of, and paragraph 6 of Schedule 2 to, the Maintenance Enforcement Act 1991 (c. 17).