



# Courts Act 1971

## 1971 CHAPTER 23

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Costs*

47— ..... <sup>F1</sup>  
49.

##### Textual Amendments

**F1** Ss. 47–49, 51(1) repealed by Costs in [Criminal Cases Act 1973](#) (c. 14), [Sch. 2](#)

50 ..... <sup>F2</sup>

##### Textual Amendments

**F2** [S. 50](#) repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37), s. 152(4), [Sch. 7](#)

#### 51 Construction and consequential amendments

(1) ..... <sup>F3</sup>

(2) Schedule 6 to this Act, which amends enactments about costs, shall have effect.

##### Textual Amendments

**F3** Ss. 47–49, 51(1) repealed by Costs in [Criminal Cases Act 1973](#) (c. 14), [Sch. 2](#)

*Changes to legislation: There are currently no known outstanding effects for the Courts Act 1971, Cross Heading: Costs. (See end of Document for details)*

#### **Modifications etc. (not altering text)**

- C1** The text of ss. 26(3)(4), 51(2), 53(5) and 56(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### **52 Award of costs where information or complaint is not proceeded with.**

- (1) ..... <sup>F4</sup>
- (3) Where—
- (a) ..... <sup>F5</sup>
- (b) a complaint is made to a justice of the peace [<sup>F6</sup>acting in any local justice area]<sup>F6</sup> but the complaint is not proceeded with,
- a magistrates' court [<sup>F7</sup>acting in that area]<sup>F7</sup> may make such order as to costs to be paid . . . <sup>F8</sup>, by the complainant to the defendant as it thinks just and reasonable.
- <sup>F9</sup>(3A) . . . . .
- (4) An order under subsection (3) above shall specify the amount of the costs ordered to be paid.
- (5) . . . <sup>F8</sup> for the purpose of enforcement an order under subsection (3) above made in relation to a complaint which is not proceeded with shall be treated as if it were an order made under [<sup>F10</sup>section 64 of the Magistrates' Courts Act 1980] (power to award, and enforcement of, costs in civil proceedings).

#### **Textual Amendments**

- F4** S. 52(1)(2) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), **Sch. 2**
- F5** S. 52(3)(a) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), **Sch. 2**
- F6** Words in s. 52(3)(b) substituted (1.4.2005) by [Courts Act 2003 \(c. 29\)](#), ss. 109(1), 110, **Sch. 8 para. 140(a)**; [S.I. 2009/910](#), **art. 3(y)**
- F7** Words in s. 52(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 29\)](#), ss. 109(1), 110, **Sch. 8 para. 140(b)**; [S.I. 2005/910](#), **art. 3(y)**
- F8** Words repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), **Sch. 2**
- F9** S. 52(3A) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 19**; [S.I. 2014/954](#), **art. 2(d)** (with **art. 3**) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F10** Words substituted by [Magistrates Courts' Act 1980 \(c. 43, SIF 82\)](#), s. 154(1), **Sch. 7 para. 96**

**Changes to legislation:**

There are currently no known outstanding effects for the Courts Act 1971, Cross Heading: Costs.