



Administration of Justice Act 1985

1985 CHAPTER 61

PART IV

THE SUPREME COURT AND COUNTY COURTS

Reimbursement of costs

53 Reimbursement of additional costs resulting from death or incapacity of presiding judge etc.

(1) Where—

- (a) the judge, or (as the case may be) any of the judges, presiding at any proceedings to which this section applies becomes temporarily or permanently incapacitated from presiding at the proceedings, or dies, at any time prior to the conclusion of the proceedings; and
- (b) any party represented at the proceedings incurs any additional costs in consequence of the judge's incapacity or death,

the [^{F1}Secretary of State] may, if he thinks fit, reimburse that party in respect of any such additional costs, or in respect of such part thereof as he may determine; but the amount of any such reimbursement shall not exceed such sum as the [^{F1}Secretary of State] may by order prescribe for the purposes of this section.

(2) Subject to subsection (3), this section applies to—

- (a) proceedings in the civil division of the Court of Appeal;
- (b) civil proceedings in the High Court;
- [^{F2}(ba) proceedings in the family court;]and
- (c) proceedings in [^{F3}the county court] ;

and, in the case of any interlocutory proceedings falling within paragraphs (a) to (c), applies separately to any such proceedings and to any other proceedings in the cause or matter in question.

(3) F4

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, Cross Heading: Reimbursement of costs. (See end of Document for details)

- (4) For the purposes of this section the amount of any additional costs incurred by any person as mentioned in subsection (1)(b) shall be such amount as may be agreed between the ^{F1}Secretary of State] and that person or, in default of agreement, as may be ascertained by taxation.
- (5) Where any proceedings to which this section applies—
- (a) are due to be begun before a judge at a particular time; but
 - (b) are not begun at that time by reason of the judge becoming temporarily or permanently incapacitated from presiding at the proceedings or by reason of his death,
- subsection (1) shall have effect in relation to the incapacity or death of the judge as it has effect in relation to any such incapacity or death of a presiding judge as is mentioned in paragraph (a) of that subsection, but as if any reference to any party represented at the proceedings were a reference to any party who would have been so represented but for the judge’s incapacity or death.
- (6) In this section ^{F5}. . . “judge” in relation to any proceedings, includes—
- (a) a master, registrar or other person acting in a judicial capacity in the proceedings; or
 - (b) a person assisting at the proceedings as an assessor or as an adviser appointed by virtue of section 70(3) of the ^{M1}^{F6}Senior Courts Act 1981];
- and, in relation to any such person as is mentioned in paragraph (b), any reference to presiding at any proceedings shall be construed as including a reference to assisting at the proceedings.
- (7) Any order made by the ^{F1}Secretary of State] under this section shall be made with the concurrence of the Treasury, and shall be so made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Any sums required by the ^{F1}Secretary of State] for making payments under this section shall be paid out of money provided by Parliament.

Textual Amendments

- F1** Words in s. 53 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), **arts. 1(2), 9**, {Sch 2. para. 6(a)}
- F2** S. 53(2)(ba) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 73**; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** Words in s. 53(2)(c) 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)
- F4** S. 53(3) repealed (27.9.1999) by [1999 c. 22](#), ss. 106, 108(3)(f), **Sch. 15 Pt.III** (with Sch. 14 paras. 7(2), 36(9))
- F5** Words in s. 53(6) repealed (27.9.1999) by [1999 c. 22](#), ss. 106, 108(3)(f), **Sch. 15 Pt.III** (with Sch. 14 paras. 7(2), 36(9))
- F6** Words in s. 53 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, **Sch. 11 para. 1(2)**; [S.I. 2009/1604](#), art. 2(d)

Marginal Citations

- M1** 1981 c. 54.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1985,
Cross Heading: Reimbursement of costs.