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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 45**

**COSTS**

*PAYMENT OF COSTS BY ONE PARTY TO ANOTHER*

**Costs on conviction and sentence, etc.**

**45.5.**—(1) This rule applies where the court can order a defendant to pay the prosecutor's costs if the defendant is—

- (a) convicted or found guilty;
  - (b) dealt with in the Crown Court after committal for sentence there;
  - (c) dealt with for breach of a sentence; or
  - (d) in an extradition case—
    - (i) ordered to be extradited, under Part 1 of the Extradition Act 2003,
    - (ii) sent for extradition to the Secretary of State, under Part 2 of that Act, or
    - (iii) unsuccessful on an appeal by the defendant to the High Court, or on an application by the defendant for permission to appeal from the High Court to the Supreme Court.
- (2) The court may make an order—
- (a) on application by the prosecutor; or
  - (b) on its own initiative.
- (3) Where the prosecutor wants the court to make an order—
- (a) the prosecutor must—
    - (i) apply as soon as practicable, and
    - (ii) specify the amount claimed; and
  - (b) the general rule is that the court must make an order if it is satisfied that the defendant can pay.
- (4) A defendant who wants to oppose an order must make representations as soon as practicable.
- (5) If the court makes an order, it must assess the amount itself.

[Note. See—

- (a) *rule 45.2;*
- (b) *section 18 of the Prosecution of Offences Act 1985(1) and regulation 14 of the Costs in Criminal Cases (General) Regulations 1986; and*

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(1) 1985 c. 23; section 18 was amended by section 15 of, and paragraph 16 of Schedule 2 to, the Criminal Justice Act 1987 (c. 38), section 168 of, and paragraph 26 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33), sections

(c) sections 60 and 133 of the Extradition Act 2003.

Under section 18(4) and (5) of the 1985 Act, if a magistrates' court—

- (a) imposes a fine, a penalty, forfeiture or compensation that does not exceed £5—
  - (i) the general rule is that the court will not make a costs order against the defendant, but
  - (ii) the court may do so;
- (b) fines a defendant under 18, no costs order against the defendant may be for more than the fine.

Part 39 (Appeal to the Court of Appeal about conviction or sentence) contains rules about appeal against a Crown Court costs order to which this rule applies.]

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**Commencement Information**

**II** Rule 45.5 in force at 5.10.2020, see Preamble

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 45.5.