



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 4

JUDICIAL REVIEW

Judicial review in the High Court and Upper Tribunal

89 Capping of costs: orders and their terms

- (1) The matters to which the court must have regard when considering whether to make a costs capping order in connection with judicial review proceedings, and what the terms of such an order should be, include—
 - (a) the financial resources of the parties to the proceedings, including the financial resources of any person who provides, or may provide, financial support to the parties;
 - (b) the extent to which the applicant for the order is likely to benefit if relief is granted to the applicant for judicial review;
 - (c) the extent to which any person who has provided, or may provide, the applicant with financial support is likely to benefit if relief is granted to the applicant for judicial review;
 - (d) whether legal representatives for the applicant for the order are acting free of charge;
 - (e) whether the applicant for the order is an appropriate person to represent the interests of other persons or the public interest generally.
- (2) A costs capping order that limits or removes the liability of the applicant for judicial review to pay the costs of another party to the proceedings if relief is not granted to the applicant for judicial review must also limit or remove the liability of the other party to pay the applicant's costs if it is.
- (3) The Lord Chancellor may by regulations amend this section by adding to, omitting or amending the matters listed in subsection (1).
- (4) Regulations under this section are to be made by statutory instrument.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 89. (See end of Document for details)

- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section—
- “free of charge” means otherwise than for or in expectation of fee, gain or reward;
 - “legal representative”, in relation to a party to proceedings, means a person exercising a right of audience or conducting litigation on the party's behalf.

Modifications etc. (not altering text)

- C1** S. 89 excluded (28.2.2017) by [The Criminal Justice and Courts Act 2015 \(Disapplication of Sections 88 and 89\) Regulations 2017 \(S.I. 2017/100\)](#), regs. 1, **2(1)**

Commencement Information

- I1** S. 89 in force at 8.8.2016 by [S.I. 2016/717](#), **art. 3(e)** (with [art. 7](#))

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 89.