



COSTS IN CRIMINAL CASES AMENDMENT ACT 1988

No. 17 of 1988

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AN ACT to amend the Costs in Criminal Cases Act 1976.

[Royal Assent 8 September 1988]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Costs in Criminal Cases* Short title. *Amendment Act 1988*.

2—In this Act, the *Costs in Criminal Cases Act 1976** is Principal Act. referred to as the Principal Act.

* No. 107 of 1976. For this Act, as amended to 1st November 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 51 of 1985.

Insertion in
Principal Act of
new section 5A.

3—After section 5 of the Principal Act, the following section is inserted:—

Amount of costs.

5A—(1) In determining the amount of costs to be granted in an order made under section 4 or 5 that is just and reasonable, the court may have regard to any scale of costs, fees, or expenses prescribed or agreed upon under any enactment.

(2) Where, in an order made under section 4 or 5, the court has regard to any scale of costs, fees, or expenses prescribed or agreed upon under any enactment, it shall specify in the order that scale.

(3) The Registrar of the Supreme Court or the Clerk of the Petty Sessions, as the case may be, shall, if directed by the Court to do so, tax any costs granted by the court under this Act.

(4) Any taxation of costs made pursuant to subsection (3) may be subject to review by the magistrate or judge presiding in the proceedings in respect of which the costs are granted.

Amendment of
section 6 of
Principal Act
(Payment of
costs).

4—Section 6 of the Principal Act is amended as follows:—

(a) by inserting “(1)” before “Where”;

(b) by omitting from paragraph (d) “complainant,” and substituting “complainant.”;

(c) by omitting “and thereupon the amount in respect of which the order is made may be recovered as a debt due (as the case may be) by the Crown, the State authority, the municipal corporation, or the complainant”;

(d) by adding the following subsection as subsection (2) of that section:—

(2) An order referred to in subsection (1) is enforceable in a court of competent jurisdiction as a judgment of that court.

Amendment of
section 7 of
Principal Act
(Regulations).

5—Section 7 of the Principal Act is amended by omitting subsection (2).