

FACT SHEET

Criminal Procedure Code

Costs and Victim Compensation

1. The new CPC introduces new provisions to improve the costs and compensation framework.

Costs Orders against Counsel

2. The new CPC allows the Court to make an order against Defence counsel barring them from recovering their fees from their clients in certain circumstances.
3. These circumstances include situations where:
 - a. costs have been incurred unreasonably or improperly in any proceedings, or
 - b. costs had been wasted by counsel's failure to conduct proceedings with reasonable competence and expedition.
4. Before a court makes an order against a counsel, counsel will be allowed to attend before the Court and show cause why such orders should not be made.
5. This new power protects vulnerable clients who have been persuaded by counsel to file unnecessary appeals and applications.

Compensation for the victim

6. Currently, where a victim is injured as the result of a crime, the court sometimes invokes its power under the CPC to award compensation.
7. This power is discretionary, and there is no positive duty on the court to consider whether to exercise it or not. However, this power is valuable in protecting victims of crime, and its use should be encouraged.
8. Accordingly, the new CPC introduces a new provision that requires the court to actively consider whether or not to make victim compensation orders after every conviction. It must make such orders if it finds it appropriate to do so.
9. As with the current position, there will be no cap to the amount payable.

10. This affords a quick and convenient method for victims to receive compensation without the need to take out separate civil proceedings, and is especially useful for transport and medical costs incurred. They may still choose to instruct counsel to file civil claims: if so the amount of compensation awarded after conviction will be taken into account in any subsequent civil suit between the victim and the accused.

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