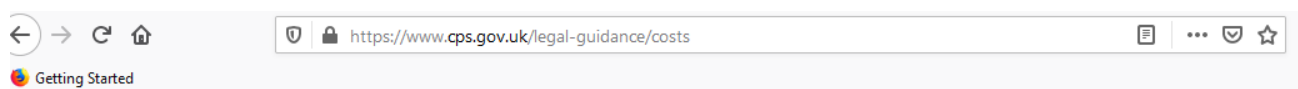


Appendix 3:

Note from Crown Prosecution Service website on the scope of prosecution costs



The scope of Prosecution Costs

Prosecution Costs exclude the costs of the investigation, which must be met by the police. Investigation costs include:

- Obtaining sufficient evidence either at the initial stage or later at CPS request;
- Re-interviewing witnesses;
- Seeking medical or expert evidence as part of the investigation, (where a witness is required to attend Court, the cost of the attendance falls on the CPS).

This is now set out in the Criminal Costs Practice Direction which provides at paragraph 3.7 that:

"Generally it will not be just or reasonable to order a defendant to pay costs of investigation which the prosecutor itself will not satisfy."

Where police provide assistance in providing items in the Prosecution process, the cost falls on the CPS e.g. although the cost of providing initial material to review the case falls on the police, if they were to provide extra copies for the purpose of court presentation this cost will fall on the CPS.

The CPS can only apply to recover costs directly incurred. It cannot recover costs incurred by any other agency. Fees, costs and other expenditure incurred by the police, including the cost of bringing absconders from bail to the court, must not be included in the CPS application. However where the CPS is going to reimburse the agency concerned and the costs are just and reasonable then they can be included within the scope of the prosecution costs application, see *Balshaw v Crown Prosecution Service* [2009] 2 Cr.App. R (S) 109. In this case the costs order included the fees for an accountancy report commissioned by the police. This report was not part of the initial investigation, but was commissioned after charge and might equally have been commissioned by the CPS rather than the police. Since the CPS acknowledged its obligation to pay the fees to the police, and given that the report formed an important part of the CPS's presentation of the case, it was just and reasonable to include it within the costs order. This case is referred to at paragraph 3.7 of the Criminal Costs Practice Direction, concluding that:

"Where substantial research is required in order to counter possible defences, the court may also award costs in respect of that work if it considers it to be justified."

<http://www.judiciary.gov.uk/publications-and-reports/practice-directions/criminal-practice-directions>