

CRIMINAL COSTS INCLUDING LEGAL AID. By Graham J. Graham-Green.
[London: Butterworths. 1965. xxv + 249 pp. £2.5s. 0d.].

“This book may be regarded as the first comprehensive and detailed exposition on the subject of costs and legal aid in criminal proceedings” writes Lord Chief Justice Parker in his Foreword. In his Preface, the author, a Master of the Supreme Court, states succinctly the objects of the book. The first “is to gather up in as brief a space as possible all the authorities for the power of the courts to award costs in criminal cases and then to set out the practice concerning the taxation of such cost”, and the second “is to describe the powers of the court with regard to the grant of legal aid in criminal proceedings, how legal aid is obtained, the rights and obligations flowing from its grant and the remuneration allowed to solicitors and counsel.” A further purpose is to facilitate “some uniformity of approach in the matter of costs and the grant of legal aid.” This first exposition would seem to have fulfilled its useful objectives.

The book contains some 135 pages of text and an Appendix of about 100 pages containing relevant statutes, rules and regulations, and precedents. The comparative length of the book is largely dictated by the fact that each court exercising criminal jurisdiction, original or appellate, is generally subject to different statutes and regulations in the matter of costs (which can be payable on two bases, either *inter partes* or out of “local funds”) and legal aid. Hence the author is obliged to treat each court separately as to both matters. This not only makes for length,

but also for some repetition. Most of all though it makes for dissatisfaction with an apparent wilderness of separate rules based largely on the jurisdiction and powers of the different courts. And all on a foundation of discretion as to the award both of costs and of legal aid. Improvement could probably be made in the direction of specifying more precisely when and to whom costs in criminal cases should be awarded (compare the German Code of Criminal Procedure, Seventh Book, Second Title: "Costs of the Proceeding") and consolidating the rules quantifying costs. There would seem to be even more to be said for consolidating the legal aid legislation and standardising procedures.

Costs can be seen from a number of points of view, the litigant's, the legal representative's, the Courts' or the taxing officer's. This book would seem to be written primarily from the latter two points of view. With the inclusion of legal aid, a broader, social perspective is opened up, though as this book purports to do no more than describe existing law and practice, this perspective is not developed. Payment of costs out of local (public) funds would also seem to raise larger questions than would otherwise be associated with costs, though such payments seem to be for prosecutors rather than for acquitted accused.

Some early explanation of key, non-obvious terms like "local funds", "common fund basis" and "prosecutor" would have assisted the non-British reader.

Given the complication of the subject-matter and the objectives pursued, Mr. Graham-Green has provided a most helpful map for journeys along the many legal roads through costs and legal aid.