

SCHEDULE 11

Regulation 6(7)(t)

Substitution for paragraph 25 of Schedule 2 to the Criminal Remuneration Regulations

**“Assisted person unfit to plead or stand trial**

**25.—**(1) Where in any case a hearing is held to determine the question of whether the assisted person is unfit to plead or to stand trial (a “fitness hearing”)—

- (a) if a trial on indictment is held, or continues, at any time thereafter, the length of the fitness hearing is (where relevant) included in determining the length of the trial for the calculation of the fee;
- (b) if a trial on indictment is not held, or does not continue, by reason of the assisted person being found unfit to plead or to stand trial, the litigator must be paid—
  - (i) in a case in which the number of pages of prosecution evidence served on the court is less than or equal to 500 whichever of the following fees the litigator elects—
    - (aa) a fee determined in accordance with paragraph 3AA for representing an assisted person in a trial, as appropriate to the Class of Offence elected by the litigator under paragraph 3(1)(f) and the number of pages of prosecution evidence served on the court, or
    - (bb) a fee determined in accordance with paragraph 3AA for representing an assisted person in a cracked trial, as appropriate to the Class of Offence elected by the litigator under paragraph 3(1)(f) and the number of pages of prosecution evidence served on the court;
  - (ii) in a case in which the number of pages of prosecution evidence served on the court exceeds 500 whichever of the following fees the litigator elects—
    - (aa) a fee calculated in accordance with paragraph 7 or, where appropriate, paragraph 9 for representing an assisted person in a trial, as appropriate to the combined length of the relevant hearings, the Class of Offence elected by the litigator under paragraph 3(1)(f) and the number of pages of prosecution evidence served on the court, or
    - (bb) a fee calculated in accordance with paragraph 8 for representing an assisted person in a cracked trial, as appropriate to the Class of Offence elected by the litigator under paragraph 3(1)(f) and the number of pages of prosecution evidence served on the court,

and

- (c) if at any time the assisted person pleads guilty to the indictable offence, the litigator must be paid—
  - (i) in a case in which the number of pages of prosecution evidence served on the court is less than or equal to 500 whichever of the following fees the litigator elects—
    - (aa) a fee determined in accordance with paragraph 3AA for representing an assisted person in a trial, as appropriate to the Class of Offence elected by the litigator under paragraph 3(1)(f) and the number of pages of prosecution evidence served on the court, or
    - (bb) a fee determined in accordance with paragraph 3AA for representing an assisted person in a guilty plea, as appropriate to the Class of Offence elected by the litigator under paragraph 3(1)(f) and the number of pages of prosecution evidence served on the court;

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- (ii) in a case in which the number of pages of prosecution evidence served on the court exceeds 500 whichever of the following fees the litigator elects—
  - (aa) a fee calculated in accordance with paragraph 7 or, where appropriate, paragraph 9 for representing an assisted person in a trial, as appropriate to the length of the fitness hearing, the Class of Offence elected by the litigator under paragraph 3(1)(f) and the number of pages of prosecution evidence served on the court, or
  - (bb) a fee calculated in accordance with paragraph 8 for representing an assisted person in a guilty plea, as appropriate to the Class of Offence elected by the litigator under paragraph 3(1)(f) and the number of pages of prosecution evidence served on the court.
- (2) In sub-paragraph (1)(b)(ii)(aa), “relevant hearings” means—
  - (a) the fitness hearing, and
  - (b) any hearing under section 4A of the Criminal Procedure (Insanity) Act 1964<sup>(1)</sup> (finding that the accused did the act or made the omission charged against him).”

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(1) 1964 c. 84. Section 4A was inserted by section 2 of the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25) and amended by section 22(4) and (5) of the Domestic Violence, Crime and Victims Act 2004 (c. 28).