

SCHEDULE 9

Regulation 6(7)(q)

Substitution for paragraph 21(2) to (6) of Schedule 2 to the Criminal Remuneration Regulations

“(2) Where the proceedings to which this paragraph applies are discontinued by a notice served under section 23A of the Prosecution of Offences Act 1985⁽¹⁾ (discontinuance of proceedings after accused has been sent for trial) at any time before the prosecution serves its evidence in accordance with the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005⁽²⁾ the litigator must be paid the fee specified in the table following this sub-paragraph, as appropriate to the offence with which the assisted person is charged.

Discontinuance before evidence served

<i>Class of Offence</i>	<i>Fee payable (£)</i>
A	307.57
B	251.40
C	200.22
D	292.19
E	83.50
F	88.52
G	88.52
H	86.33
I	78.93
J	307.57
K	289.70

(3) Sub-paragraph (4) applies where—

- (a) proceedings to which this paragraph applies are discontinued by a notice served under section 23A of the Prosecution of Offences Act 1985 at any time after the prosecution serves its evidence in accordance with the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005;
- (b) following a relevant application for dismissal—
 - (i) the charge, or charges are dismissed and the assisted person is discharged, or
 - (ii) the case is remitted to the magistrates’ court in accordance with paragraph 10(3)(a), 13(2) or 15(3)(a) of Schedule 3 to the Crime and Disorder Act 1998⁽³⁾, or
- (c) at a relevant hearing—
 - (i) the prosecution offers no evidence and the assisted person is discharged, or
 - (ii) the case is remitted to the magistrates’ court in accordance with paragraph 10(3)(a), 13(2) or 15(3)(a) of Schedule 3 to the Crime and Disorder Act 1998.

(4) Where this sub-paragraph applies, the litigator must be paid—

(1) 1985 c. 23. Section 23A was inserted by paragraph 64 of Schedule 8 to the Crime and Disorder Act 1998 (c. 37) and amended by paragraph 57(7)(b) of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44).
 (2) S.I. 2005/902. Amended by S.I. 2012/1345.
 (3) 1998 c. 37. Amended by paragraphs 20(10)(a), (b) and (d) and 20(13)(a) and (b) of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003.

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- (a) in a case in which the number of pages of prosecution evidence served on the court is less than or equal to 500, a fee determined in accordance with paragraph 3AA for representing an assisted person in a guilty plea, as appropriate to the offence with which the assisted person is charged and the number of pages of prosecution evidence served on the court, or
 - (b) in a case in which the number pages of prosecution evidence served on the court exceeds 500, a fee calculated in accordance with paragraph 8 for representing an assisted person in a guilty plea, as appropriate to the offence with which the assisted person is charged and the number of pages of prosecution evidence served on the court.
- (5) In sub-paragraph (3)—
- (a) “relevant application for dismissal” means—
 - (i) an application under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998⁽⁴⁾ (procedure where persons are sent for trial under section 51: applications for dismissal);
 - (ii) section 6 of the Criminal Justice Act 1987⁽⁵⁾ (applications for dismissal), or
 - (iii) paragraph 5 of Schedule 6 to the Criminal Justice Act 1991⁽⁶⁾ (notices of transfer: procedure in lieu of committal: applications for dismissal), and
 - (b) “relevant hearing” means—
 - (i) a plea and case management hearing that takes place after the prosecution serves its evidence, or
 - (ii) any other hearing that takes place before a plea and case management hearing has taken place, but after the prosecution has served its evidence.”

(4) Amended by paragraph 20(3)(a)(i) and (ii) of Schedule 3, paragraph 73 of Part 4 of Schedule 36 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 and [S.I. 2004/2035](#).

(5) [1987 c. 38](#). Repealed by Part 4 of Schedule 37 to the Criminal Justice Act 2003, subject to savings specified in article 5 of [S.I. 2012/1320](#) and articles 3 and 4 of [S.I. 2012/2574](#) and [SI 2013/1103](#).

(6) [1991 c. 53](#). Repealed by Part 4 of Schedule 37 to the Criminal Justice Act 2003, subject to savings specified in article 5 of [S.I. 2012/1320](#) and articles 3 and 4 of [S.I. 2012/2574](#) and [SI 2013/1103](#).