

SCHEDULE

Armed Forces Code of Practice for Victims of Crime

PART 3

Victims' Entitlements – Entitlements for Adults

CHAPTER 6

Appeals

General

113. Where your Victim Liaison Officer is required to provide you with services in this section, the Service Police may provide some or all of those services instead. You will be told by the Service Police if this is the case.

Commencement Information

11 Sch. para. 113 in force at 16.11.2015, see [reg. 1](#)

If an application is made to the Summary Appeal Court to appeal against a conviction or sentence in the Summary Hearing

114. You are **entitled** to be informed without unreasonable delay of the following information by your Victim Liaison Officer:

- (1) any notice of appeal that has been made;
- (2) the date, time and location of any hearing;
- (3) the outcome of that appeal, including any changes to the original sentence.

Commencement Information

12 Sch. para. 114 in force at 16.11.2015, see [reg. 1](#)

115. You are also entitled to:

(1) ask the Military Court Service staff if you and any family members who are attending court can enter and leave the court building through a separate entrance from the accused and their family and friends;

(2) wait and be seated in court in an area separate from the appellant and their family and friends. The court will ensure this is done wherever possible. If you have family members who may attend court they will also be seated in court in a separate area from the accused and their family and friends wherever possible;

(3) be provided with a Military Court Service contract point at the Summary Appeal Court;

(4) receive information about victim support services where appropriate and available⁽¹⁾.

(1) See paragraphs 16 to 18 of the Introduction.

Commencement Information

I3 Sch. para. 115 in force at 16.11.2015, see [reg. 1](#)

116. An appeal to the Summary Appeal Court involves a rehearing of the charge and/or the punishment. In such a case the relevant entitlements relating to Victim Personal Statements set out in Section 1 of this Part of the Code will apply. The relevant entitlements set out in Chapters 2, 3 and 4 of this Part of the Code will also apply.

Commencement Information

I4 Sch. para. 116 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I2 Sch. para. 114 in force at 16.11.2015, see [reg. 1](#)

I3 Sch. para. 115 in force at 16.11.2015, see [reg. 1](#)

I4 Sch. para. 116 in force at 16.11.2015, see [reg. 1](#)

If an application is made to the Summary Appeal Court to have a case stated for the opinion of the High Court

117. You are entitled to be informed, without unreasonable delay, of the following information by your Victim Liaison Officer:

- (1) an application to the Summary Appeal Court to have a case stated for the opinion of the High Court has been made;
- (2) the judge advocate's decision as to whether or not they have decided to state a case;
- (3) the date, time and location of any hearing before the High Court;
- (4) the outcome of that stated case.

Commencement Information

I5 Sch. para. 117 in force at 16.11.2015, see [reg. 1](#)

118. If you or your family members attend the High Court you are also entitled to:

- (1) ask the High Court if you and any family members who are attending court can enter and leave the court building through a separate entrance from the accused and their family and friends;
- (2) wait and be seated in court in an area separate from the appellant and their family and friends. The court will ensure this is done wherever possible. If you have family members who may attend court they will also be seated in court in a separate area from the accused and their family and friends wherever possible.
- (3) be provided with a High Court staff contact point at the High Court;
- (4) receive information about victim support services where appropriate and available(2).

(2) See paragraphs 16 to 18 of the Introduction.

Commencement Information

16 Sch. para. 118 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

15 Sch. para. 117 in force at 16.11.2015, see [reg. 1](#)

16 Sch. para. 118 in force at 16.11.2015, see [reg. 1](#)

If an appeal is made to the Court Martial against a conviction or sentence in the Service Civilian Court

119. You are entitled to be informed, without unnecessary delay, of the following information by your Victim Liaison Officer:

- (1) any notice of appeal that has been made;
- (2) the date, time and location of any hearing;
- (3) the outcome of that appeal, including any changes to the original sentence.

Commencement Information

17 Sch. para. 119 in force at 16.11.2015, see [reg. 1](#)

120. You are also entitled to:

(1) ask the Military Court Service staff if you and any family members who are attending court can enter and leave the court building through a separate entrance from the accused and their family and friends;

(2) wait and be seated in court in an area separate from the appellant and their family and friends. The court will ensure this is done wherever possible. If you have family members who may attend court they will also be seated in court in a separate area from the accused and their family and friends wherever possible;

(3) be provided with a contact point at the Military Court Service;

(4) receive information about victim support services where appropriate and available⁽³⁾.

Commencement Information

18 Sch. para. 120 in force at 16.11.2015, see [reg. 1](#)

121. Where an appeal is made, the case will be dealt with by a rehearing of the charge and/or sentence before the Court Martial. In such a case the relevant entitlements relating to Victim Personal Statements set out in Chapter 2 of this Part of the Code will apply. The relevant entitlements set out in Chapters 2, 3 and 4 of this Part of the Code will also apply.

Commencement Information

19 Sch. para. 121 in force at 16.11.2015, see [reg. 1](#)

⁽³⁾ See paragraphs 16 to 18 of the Introduction.

Changes to legislation: There are currently no known outstanding effects for the The Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015, CHAPTER 6. (See end of Document for details)

Commencement Information

- I7** Sch. para. 119 in force at 16.11.2015, see [reg. 1](#)
- I8** Sch. para. 120 in force at 16.11.2015, see [reg. 1](#)
- I9** Sch. para. 121 in force at 16.11.2015, see [reg. 1](#)

If an application is made to appeal against a conviction or sentence to the Court Martial Appeal Court, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law

122. You are entitled to:

(1) be told by the Victim Liaison Officer, without unreasonable delay, that the appellant has been given leave to appeal;

(2) receive information from the Victim Liaison Officer , without unreasonable delay, about the date, time and location of any hearing;

(3) request the Victim Liaison Officer to inform you if the appellant is to be released on bail pre-appeal or if the bail conditions have varied or if bail has been revoked;

(4) receive the information requested in paragraph 122(3) of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay(4);

(5) receive an update from the Victim Liaison Officer, without unreasonable delay, on any changes to hearing dates;

(6) be provided, by your Victim Liaison Officer , with a contact point for the Court staff;

(7) be told, without unreasonable delay, about the result of the appeal. This includes any changes to the original sentence;

(8) wait and be seated in court in an area separate from the appellant and their family and friends. The court staff will ensure this is done wherever possible. This will also be done for members of our family who attend court wherever possible. It is rare for the appellant to attend hearings in the Supreme Court. Special arrangements will be made for you if the appellant is present and you do not wish to sit in the courtroom;

(9) request a copy from the Court Martial Appeal Court or UK Supreme Court staff of the court’s judgment in the case once it has been published.

Commencement Information

- I10** Sch. para. 122 in force at 16.11.2015, see [reg. 1](#)

The Court Martial Appeal Court and Victim Personal Statements

123. In determining an appeal against sentence, the court will always take into account any Victim Personal Statement (VPS) that is presented to it which was provided to the sentencing court.

Commencement Information

- I11** Sch. para. 123 in force at 16.11.2015, see [reg. 1](#)

(4) You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

124. It is normally necessary for a further VPS to be provided to the Court Martial Appeal Court. However, if there is information the court should know about the continuing impact the crime has had on you, a new or further VPS may be sent to the court through the Service Police or Service Prosecuting Authority. In very rare cases, you may be asked questions about your VPS in court. If the VPS is used in evidence, it will be disclosed to the defence and should not contain any comments about the sentence given or whether the appeal should succeed or not.

Commencement Information

I12 Sch. para. 124 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I11 Sch. para. 123 in force at 16.11.2015, see [reg. 1](#)

I12 Sch. para. 124 in force at 16.11.2015, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015, CHAPTER 6.