

SCHEDULE

Armed Forces Code of Practice for Victims of Crime

PART 4

Victims' Entitlements – Entitlements for Children and Young People

CHAPTER 4

Trial or Summary Hearing

Trial at Service court

171. If you do go to court to give evidence at the trial, you are entitled to:

(1) wherever possible, meet the Service Prosecuting Authority advocate (the lawyer who presents the case against the accused) or representative to ask him or her questions about what will happen in court, how long you may have to wait before giving evidence and be told of any delay;

(2) ask court staff if you and any family members who are also attending court can use a different entrance and exit from the accused and their family and friends. This means that when you go to court you do not need to see the accused or their family and friends;

(3) wait and be seated in an area separate from the accused and their family and friends. If you have family members who may attend court, they will also be seated in a separate area from the accused and their family and friends wherever possible;

(4) be given a contact point at the court where you can find out what is happening while you are waiting to give your evidence;

(5) have any Special Measures arranged for you by the court staff when the court has ordered them. For example, if you have pre-recorded your witness statement, the court may, as a Special Measure, allow this to be played to the court so that you do not have to give this evidence again. You would then be asked questions about your evidence. This is called cross-examination. Another Special Measure is for you to provide your evidence from a different room using a video link;

(6) give your contact details to court staff so they can call you back quickly if you have left the court building for a short while;

(7) watch the trial in the public gallery if you have finished or are not giving evidence as a witness.

Commencement Information

I1 Sch. para. 171 in force at 16.11.2015, see [reg. 1](#)

172. At a trial by a Service court, part of the court process involves the cross-examination of witnesses to test their evidence. It is up to the court to make sure the trial is conducted in a fair way, taking into account what is said by the defence lawyer and the Service Prosecuting Authority advocate. The Service Prosecuting Authority will treat victims who are witnesses in court respectfully and, where appropriate, will seek the court's intervention where cross-examination is considered by the prosecutor to be inappropriate or too aggressive.

Commencement Information

I2 Sch. para. 172 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 4. (See end of Document for details)

Commencement Information

- I1** Sch. para. 171 in force at 16.11.2015, see [reg. 1](#)
- I2** Sch. para. 172 in force at 16.11.2015, see [reg. 1](#)

Summary Hearing

173. If you do attend a Summary hearing to give evidence you are entitled to:

(1) ask the Commanding Officer’s discipline staff if you and any family members who have permission to accompany you can enter and leave the place of the Hearing through a separate entrance from the accused where possible;

(2) where circumstances permit, meet a member of the Commanding Officer’s discipline staff to ask him or her questions about the Summary Hearing process. They will indicate where possible how long you may have to wait before giving evidence;

(3) wherever possible, receive an explanation from the Commanding Officer’s discipline staff if there is a delay in proceedings on the day and how long the wait is likely to be;

(4) wait and be seated in an area separate from the accused. The Commanding Officer’s discipline staff will ensure this is done for you and any family members who have permission to accompany you wherever possible.

Commencement Information

- I3** Sch. para. 173 in force at 16.11.2015, see [reg. 1](#)

174. If you need to leave the building at any time, you should give your contact details to the Commanding Officer’s discipline staff so they can contact you if necessary;

Commencement Information

- I4** Sch. para. 174 in force at 16.11.2015, see [reg. 1](#)

175. Part of the Summary hearing process involves the questioning of witnesses to test their evidence. It is up to the Commanding Officer to make sure the hearing is conducted in a fair and just manner. The Commanding Officer will treat victims who are witnesses respectfully and, where appropriate, will intervene where questioning by the accused is considered inappropriate or too aggressive.

Commencement Information

- I5** Sch. para. 175 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

- I3** Sch. para. 173 in force at 16.11.2015, see [reg. 1](#)
- I4** Sch. para. 174 in force at 16.11.2015, see [reg. 1](#)
- I5** Sch. para. 175 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 4.