

## SCHEDULE

### Armed Forces Code of Practice for Victims of Crime

## PART 1

### Introduction

#### CHAPTER 1

##### General

##### General

1. Victims of crime should be treated in a respectful, sensitive and professional manner without discrimination of any kind. They should receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation. It is important that victims of crime know what information and support is available to them from reporting a crime onwards and who to request help from if they are not getting it.

##### Commencement Information

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

2. This Code(1) sets out the services to be provided by Service justice organisations and persons to victims of crime committed by persons subject to Service law or civilians subject to Service discipline.

##### Commencement Information

**I2** Sch. para. 2 in force at 16.11.2015, see [reg. 1](#)

3. This Code sets a standard for these services. Service providers can choose to offer additional services and victims can choose to receive services tailored to their individual needs that fall below the set standard.

##### Commencement Information

**I3** Sch. para. 3 in force at 16.11.2015, see [reg. 1](#)

4. For the purposes of this Code, a “victim” is:

(1) a natural person(2) who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence(3);

(2) a close relative (see definitions in Part 6 of this Code) of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person’s death.

(1) This Code implements relevant provisions of the EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU);

(2) Legal persons (eg businesses) are not included in the definition of a victim.

(3) For the purposes of this Code ‘criminal offence’ means a Service offence (within the meaning of section 50 of the Armed Forces Act 2006) that is committed in, or is subject to Service justice criminal proceedings in, the European Union.

**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, PART 1. (See end of Document for details)

**Commencement Information**

**I4** Sch. para. 4 in force at 16.11.2015, see [reg. 1](#)

**5.** Enhanced entitlements are provided to victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims. These three categories are explained in Part 2 of this Code.

**Commencement Information**

**I5** Sch. para. 5 in force at 16.11.2015, see [reg. 1](#)

**6.** In addition to this Introduction which is important to read, table 1 below shows which Parts of the Code may be relevant to you. Each Part allows you to follow your journey through the Service justice process and find out what you are entitled to at each stage.

**Table 1**

<i>Person</i>	<i>Parts of the Code</i>
<b>An adult victim of crime entitled to services under the Code</b>	<b>Parts 2 and 3</b>
<b>A victim under 18 years of age entitled to services under the Code</b>	<b>Parts 2 and 4</b>
<b>An organisation providing services to victims under the Code</b>	<b>Parts 2, 3, 4 and 5</b>

**Commencement Information**

**I6** Sch. para. 6 in force at 16.11.2015, see [reg. 1](#)

**Commencement Information**

- I1** Sch. para. 1 in force at 16.11.2015, see [reg. 1](#)
- I2** Sch. para. 2 in force at 16.11.2015, see [reg. 1](#)
- I3** Sch. para. 3 in force at 16.11.2015, see [reg. 1](#)
- I4** Sch. para. 4 in force at 16.11.2015, see [reg. 1](#)
- I5** Sch. para. 5 in force at 16.11.2015, see [reg. 1](#)
- I6** Sch. para. 6 in force at 16.11.2015, see [reg. 1](#)

**CHAPTER 2**

Which organisations have to provide services under this Code?

**Service Providers**

**7.** This Code requires the following persons and organisations to provide services to victims:

- (1) Service Police;
- (2) Commanding Officers exercising powers of investigation or charge;

- (3) Victim Liaison Officers;
- (4) The Military Court Service;
- (5) The Service Prosecuting Authority;
- (6) The Commandant, Military Corrective Training Centre;
- (7) The UK Supreme Court;
- (8) The Criminal Cases Review Commission;
- (9) Her Majesty's Courts and Tribunals Service.

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**Commencement Information**

**I7** Sch. para. 7 in force at 16.11.2015, see [reg. 1](#)

**8.** The persons and organisations that provide services under this Code are collectively referred to in this Code as “service providers”. Other organisations, including voluntary sector organisations may provide services for victims but they are not covered by this Code.

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**Commencement Information**

**I8** Sch. para. 8 in force at 16.11.2015, see [reg. 1](#)

**9.** This Code does not require anything to be done by either a person acting in a judicial capacity, or a person acting in the discharge of a function of a member of the Service Prosecuting Authority which involves the exercise of a discretion.

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**Commencement Information**

**I9** Sch. para. 9 in force at 16.11.2015, see [reg. 1](#)

**10.** Where required to share information under this Code, Service providers must do so effectively and in accordance with their obligations under the Data Protection Act 1998.

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**Commencement Information**

**I10** Sch. para. 10 in force at 16.11.2015, see [reg. 1](#)

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**Commencement Information**

**I7** Sch. para. 7 in force at 16.11.2015, see [reg. 1](#)

**I8** Sch. para. 8 in force at 16.11.2015, see [reg. 1](#)

**I9** Sch. para. 9 in force at 16.11.2015, see [reg. 1](#)

**I10** Sch. para. 10 in force at 16.11.2015, see [reg. 1](#)

## CHAPTER 3

### What kind of support can I expect as a victim of crime?

#### Support

**11.** Victims of criminal conduct, including bereaved close relatives, should have access to information on the range of victim support services (see definitions section) available. These victim support services may be provided by locally or nationally commissioned organisations. You will be directed to victim support services where required under this Code, but this does not prevent you from accessing those services directly if you wish<sup>(4)</sup>. Service providers must communicate with you in simple and accessible language, taking appropriate measures where possible to assist you to understand and be understood. In considering appropriate measures, service providers must take account of any relevant personal characteristic of the victim which may affect their ability to understand and be understood.

#### Commencement Information

**I11** Sch. para. 11 in force at 16.11.2015, see [reg. 1](#)

**12.** If, due to the impact of the crime, you need assistance to understand or to be understood in your first contact (see Definitions) with the Service Police or a Commanding Officer exercising powers of investigation you are entitled to be accompanied by a person of your choice unless that service provider considers it would be contrary to your interests or prejudicial to the investigation or prosecution.

#### Commencement Information

**I12** Sch. para. 12 in force at 16.11.2015, see [reg. 1](#)

#### Commencement Information

**I11** Sch. para. 11 in force at 16.11.2015, see [reg. 1](#)

**I12** Sch. para. 12 in force at 16.11.2015, see [reg. 1](#)

#### Written Information

**13.** You are entitled to receive written information on what to expect from the Service justice system such as the victim and witness information leaflets, or the details of a website which contains that information. Subject to paragraph 14, the following information must be offered to you without unnecessary delay from your first contact with the Service Police or Commanding Officer exercising powers of criminal investigation:

- (1) where and how to get advice or support, including access to medical support, any specialist support (such as psychological support) and alternative accommodation<sup>(5)</sup>;
- (2) what you need to do to report a criminal offence, and who you should contact in case you have any questions about the case;
- (3) any measures available for your protection, if required;

<sup>(4)</sup> See, however, paragraphs 16 to 18 of the Code.

<sup>(5)</sup> This may vary depending on a number of circumstances – see paragraphs 16 to 18 of Part 1 of the Code.

- (4) how to seek compensation;
- (5) what to do if you are not present in the UK;
- (6) the availability of interpretation and translation services;
- (7) how to make a complaint about a service provider or other competent authority;
- (8) how to recoup expenses incurred as a witness in a Service court hearing or Summary Hearing.

**Commencement Information**

**I13** Sch. para. 13 in force at 16.11.2015, see [reg. 1](#)

**14.** The extent or detail of the information in paragraph 13 may vary depending on the type of crime, your personal circumstances, or its relevance to the particular stage of the investigation or of the proceedings.

**Commencement Information**

**I14** Sch. para. 14 in force at 16.11.2015, see [reg. 1](#)

**Commencement Information**

**I13** Sch. para. 13 in force at 16.11.2015, see [reg. 1](#)

**I14** Sch. para. 14 in force at 16.11.2015, see [reg. 1](#)

## CHAPTER 4

Who is entitled to receive services under this Code?

### Victims of crime where an allegation has been made

**15.** Subject to paragraph 16 below, you are entitled to receive services under this Code if you have made an allegation to the Service Police or to the alleged perpetrator's Commanding Officer that you have suffered harm (including physical, mental or emotional harm or economic loss) which was directly caused by a criminal offence committed by a person subject to service law or a civilian subject to service discipline, or have had such an allegation made on your behalf, or if you are contacted as a victim in the course of investigations<sup>(6)</sup>.

**Commencement Information**

**I15** Sch. para. 15 in force at 16.11.2015, see [reg. 1](#)

**16.** You are only entitled to receive the services set out in this Code:

- (1) if the crime took place in the European Union; or
- (2) for crimes that took place outside the European Union, only in relation to criminal proceedings that take place in the European Union.<sup>(7)</sup>

<sup>(6)</sup> Complaints made outside the European Union in respect of a crime which took place outside the European Union do not trigger entitlements under this Code.

<sup>(7)</sup> In a case, some criminal proceedings, such as interviews with victims, may take place outside the European Union, while other criminal proceedings, such as a trial, may take place in the European Union. The services set out in this Code will not apply to those criminal proceedings that take place outside the European Union.

**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, PART 1. (See end of Document for details)

**Commencement Information**

**I16** Sch. para. 16 in force at 16.11.2015, see [reg. 1](#)

**17.** Subject to paragraph 18 below, you are entitled to access victim support services at any time, whether you have reported a crime or not, and after the conclusion of the investigation and prosecution.

**Commencement Information**

**I17** Sch. para. 17 in force at 16.11.2015, see [reg. 1](#)

**18.** Where a victim is not present in the United Kingdom or has left the territory of the United Kingdom, it is the victim’s country of residence that should provide victim support services to that victim.

**Commencement Information**

**I18** Sch. para. 18 in force at 16.11.2015, see [reg. 1](#)

**Commencement Information**

**I15** Sch. para. 15 in force at 16.11.2015, see [reg. 1](#)

**I16** Sch. para. 16 in force at 16.11.2015, see [reg. 1](#)

**I17** Sch. para. 17 in force at 16.11.2015, see [reg. 1](#)

**I18** Sch. para. 18 in force at 16.11.2015, see [reg. 1](#)

**Bereaved close relatives of a victim of crime**

**19.** Close relatives of the deceased are entitled to receive services under the Code as victims of the most serious crime.

**Commencement Information**

**I19** Sch. para. 19 in force at 16.11.2015, see [reg. 1](#)

**The family spokesperson for families bereaved by crime**

**20.** If a family is bereaved as a direct result of a criminal offence, the deceased’s close relatives are entitled to nominate a family spokesperson to act as the single point of contact to receive services under this Code. If the close relatives cannot choose a family spokesperson, the Service Police Senior Investigating Officer working on the case must choose the family spokesperson.

**Commencement Information**

**I20** Sch. para. 20 in force at 16.11.2015, see [reg. 1](#)

**The family spokesperson for victims of crime who have a disability or for victims who have been so badly injured as a result of a criminal offence that they are unable to communicate**

21. If you have a disability or have been so badly injured as a result of a criminal offence that you are unable to communicate, you or your close relatives are entitled to nominate a family spokesperson to act as the single point of contact to receive services under this Code.

**Commencement Information**

I21 Sch. para. 21 in force at 16.11.2015, see [reg. 1](#)

**The parent or guardian of a victim who is under 18 years of age**

22. If you are a victim who is under the age of 18 you, and usually your parent or guardian, are entitled to receive services under this Code<sup>(8)</sup>.

**Commencement Information**

I22 Sch. para. 22 in force at 16.11.2015, see [reg. 1](#)

CHAPTER 5

Additional information for all those entitled to receive services under this Code

**General**

23. You are entitled to access services under the Code regardless of whether anyone has been charged or convicted of a criminal offence and regardless of whether you decide that you do not wish to cooperate with the investigation.

**Commencement Information**

I23 Sch. para. 23 in force at 16.11.2015, see [reg. 1](#)

24. If, following an investigation, it is decided that you are not a victim of a criminal offence you or, where relevant, the family spokesperson will be informed by the relevant service provider that you are no longer entitled to services under this Code.

**Commencement Information**

I24 Sch. para. 24 in force at 16.11.2015, see [reg. 1](#)

**Commencement Information**

I23 Sch. para. 23 in force at 16.11.2015, see [reg. 1](#)

I24 Sch. para. 24 in force at 16.11.2015, see [reg. 1](#)

(8) Unless your parent or guardian is under investigation or has been charged in connection with the crime or in the reasonable opinion of the service provider involved it is not in your best interests for your parent or guardian to receive such services.

**Information provided under this Code**

**25.** Where a service provider is required to communicate information to which a victim is entitled under this Code, this may be provided by posting or personally delivering a letter to your last known correspondence address given by you to the service provider, or sending an electronic message to the electronic contact details given by you to the service provider. Additionally, if written communication is not required, communication may be made by telephone call, audio-visual communication or a face to face meeting. The choice of communication method is to be determined by the service provider.

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**Commencement Information**  
**I25** Sch. para. 25 in force at 16.11.2015, see [reg. 1](#)

**26.** Where there is a high number of victims involved in a case, or where otherwise appropriate in exceptional cases, the service provider may communicate information to which a victim is entitled under this Code through alternative channels such as the service provider’s website.

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**Commencement Information**  
**I26** Sch. para. 26 in force at 16.11.2015, see [reg. 1](#)

**27.** Nothing in this Code requires a service provider to provide information where disclosure of that information:

- (1) could result in harm to a person;
- (2) could affect the proper handling of any criminal investigation or prosecution, or could otherwise prejudice any civil or criminal case; or
- (3) would, in the service provider’s view, be contrary to the interests of national security.

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**Commencement Information**  
**I27** Sch. para. 27 in force at 16.11.2015, see [reg. 1](#)

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**Commencement Information**  
**I25** Sch. para. 25 in force at 16.11.2015, see [reg. 1](#)  
**I26** Sch. para. 26 in force at 16.11.2015, see [reg. 1](#)  
**I27** Sch. para. 27 in force at 16.11.2015, see [reg. 1](#)

**Interpretation and translation**

**28.** If you do not understand or speak English, you are entitled to request interpretation into a language you understand:

- (1) when reporting a criminal offence<sup>(9)</sup>;
- (2) when being interviewed by the Service Police or Commanding Officer exercising powers of investigation; and

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(9) You are entitled to report the crime in a language you understand or with the necessary linguistic assistance if you don’t speak English.



(3) when giving evidence as a witness.

**Commencement Information**

**I28** Sch. para. 28 in force at 16.11.2015, see [reg. 1](#)

**29.** If you do not understand or speak English, you are entitled on request to translation of the following information:

- (1) the written acknowledgement of the reported crime;
- (2) where it is essential for the purposes of the interview, summary hearing, or court hearing to see a particular document that is disclosed to you, the relevant parts of the document;
- (3) the document informing you of the date, time and place of trial; and
- (4) the outcome of criminal proceedings where so entitled under this Code and at least brief reasons for the decision where available.

**Commencement Information**

**I29** Sch. para. 29 in force at 16.11.2015, see [reg. 1](#)

**30.** An oral translation or summary of the information in paragraph 28 may be provided, unless doing so would prejudice the fairness of the proceedings. The relevant service provider must ensure such interpretation or translation is available free of charge.

**Commencement Information**

**I30** Sch. para. 30 in force at 16.11.2015, see [reg. 1](#)

**31.** If you are unhappy with a decision not to provide interpretation or translation services, you are entitled to make a complaint to the relevant service provider. The relevant service provider must consider your request in accordance with the complaints procedure in Part 3, Chapter 8 (for adults) and Part 4, Chapter 8 (for children and young people).

**Commencement Information**

**I31** Sch. para. 31 in force at 16.11.2015, see [reg. 1](#)

**Commencement Information**

**I28** Sch. para. 28 in force at 16.11.2015, see [reg. 1](#)

**I29** Sch. para. 29 in force at 16.11.2015, see [reg. 1](#)

**I30** Sch. para. 30 in force at 16.11.2015, see [reg. 1](#)

**I31** Sch. para. 31 in force at 16.11.2015, see [reg. 1](#)

**What if my case is transferred to a civilian jurisdiction?**

**32.** Where the allegation made leads to a criminal investigation which is later transferred to a civilian jurisdiction, any person entitled to services as a result of the allegation having been made will cease to be entitled to further services under this Code from the date that jurisdiction is transferred provided that they are notified of the transfer of jurisdiction. Responsibility for support

**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, PART 1. (See end of Document for details)

will then transfer to the civilian sector. Where there is a joint civilian/military investigation, the Code applicable to the lead agency will apply.

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**Commencement Information**

**I32** Sch. para. 32 in force at 16.11.2015, see [reg. 1](#)

**What if I do not want to receive the services that I am entitled to under the Code?**

**33.** You may decide that you do not want some or all of the information or services you are entitled to under this Code or that you want to opt out of receiving these at a later date. If this is the case, you can discuss with the service provider how these entitlements are best tailored to your needs.

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**Commencement Information**

**I33** Sch. para. 33 in force at 16.11.2015, see [reg. 1](#)

**34.** You may choose to opt back into receiving services under the Code at any time the case is under active investigation or prosecution.

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**Commencement Information**

**I34** Sch. para. 34 in force at 16.11.2015, see [reg. 1](#)

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**Commencement Information**

**I33** Sch. para. 33 in force at 16.11.2015, see [reg. 1](#)

**I34** Sch. para. 34 in force at 16.11.2015, see [reg. 1](#)

**What happens if I don't receive the services that I am entitled to under this Code?**

**35.** Part 3, Chapter 8 (for adults) and Part 4, Chapter 8 (for children and young people) of this Code sets out your entitlements if you wish to make a complaint about the services you have received.

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**Commencement Information**

**I35** Sch. para. 35 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, PART 1.