

## SCHEDULE

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

## PART 2

### Enhanced Entitlements

#### CHAPTER 1

##### Victims entitled to receive enhanced entitlements

#### General

**36.** This Code sets out enhanced entitlements for victims entitled to receive services under this Code<sup>(1)</sup> in the following categories because they are more likely to require enhanced support and services through the Service Justice System:

- (1) Victims of the most serious crime;
- (2) Persistently targeted victims; and
- (3) Vulnerable or intimidated victims.

#### Commencement Information

**I1** Sch. para. 36 in force at 16.11.2015, see [reg. 1](#)

#### How do I know if I am in one of the three groups who are entitled to receive enhanced entitlements?

**37.** The three categories are designed to ensure that victims who are most in need will be able to access enhanced support. You may be entitled to enhanced services under more than one category at the same time. For example, if you are under 18 years of age you will be automatically eligible for enhanced services as a vulnerable victim regardless of whether you are also a victim of the most serious crime or are a persistently targeted victim. A victim of domestic violence is eligible for enhanced services as a victim of the most serious crime, but may also qualify for enhanced services as a vulnerable or intimidated victim.

#### Commencement Information

**I2** Sch. para. 37 in force at 16.11.2015, see [reg. 1](#)

**38.** The final decision on whether you fall into one or more of the three categories is the responsibility of the relevant service provider.

#### Commencement Information

**I3** Sch. para. 38 in force at 16.11.2015, see [reg. 1](#)

<sup>(1)</sup> See paragraphs 15 to 21 of this Code.

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

**39.** Victims of a criminal offence entitled to receive services under the Code are entitled to an assessment by the initial service provider (Service police or the Commanding Officer exercising powers of investigation) to identify any needs or support required, including whether and to what extent they may benefit from Special Investigation Measures and Special Measures. This is known as a Needs Assessment. The length and content of this assessment depends on the severity of the crime and your individual needs. The assessment will take into account your personal characteristics, the nature and circumstances of the crime, and your views. The more information you are able to provide during the assessment, the more tailored the level of support will be to your individual needs.

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**Commencement Information**

**I4** Sch. para. 39 in force at 16.11.2015, see [reg. 1](#)

**40.** As your needs may change while the criminal offence is being investigated due to your health, intimidation or any other reason, service providers must give you the opportunity to be re-assessed if your change of circumstances is brought to their attention.

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**Commencement Information**

**I5** Sch. para. 40 in force at 16.11.2015, see [reg. 1](#)

**41.** Once a service provider has identified that you are eligible for enhanced entitlements under this Code, that service provider must ensure that this information is passed on as necessary to other service providers with responsibilities under this Code and to victim support services where appropriate<sup>(2)</sup>. Service providers should check with you first that you are content for them to pass on your information to victim support services.

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**Commencement Information**

**I6** Sch. para. 41 in force at 16.11.2015, see [reg. 1](#)

**42.** If you do not fall into the three categories outlined below, although they are not obliged to do so a relevant service provider may exercise his/her discretion and provide enhanced entitlements, according to the provisions of this Code, to any victim entitled to receive services under this Code depending upon the individual's circumstances and the impact that the crime has had on them.

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**Commencement Information**

**I7** Sch. para. 42 in force at 16.11.2015, see [reg. 1](#)

**43.** If a victim meets the requirements of paragraph 37 of this Code, but does not wish to receive enhanced entitlements, the advice contained in paragraphs 33 to 34 of this Code should be followed.

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**Commencement Information**

**I8** Sch. para. 43 in force at 16.11.2015, see [reg. 1](#)

<sup>(2)</sup> See paragraphs 16 to 18 of this Code.

#### Commencement Information

- I2** Sch. para. 37 in force at 16.11.2015, see [reg. 1](#)
- I3** Sch. para. 38 in force at 16.11.2015, see [reg. 1](#)
- I4** Sch. para. 39 in force at 16.11.2015, see [reg. 1](#)
- I5** Sch. para. 40 in force at 16.11.2015, see [reg. 1](#)
- I6** Sch. para. 41 in force at 16.11.2015, see [reg. 1](#)
- I7** Sch. para. 42 in force at 16.11.2015, see [reg. 1](#)
- I8** Sch. para. 43 in force at 16.11.2015, see [reg. 1](#)

#### Victims of the most serious crime

**44.** You are eligible for enhanced entitlements under this Code as a victim of the most serious crime if you are a close relative bereaved by a criminal offence, a victim of domestic violence, hate crime terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent. Additional enhanced entitlements that are available for bereaved close relatives are identified separately at various states of this Code.

#### Commencement Information

- I9** Sch. para. 44 in force at 16.11.2015, see [reg. 1](#)

#### Persistently targeted victims

**45.** You are eligible for enhanced entitlements under this Code as a persistently targeted victim if you have been targeted repeatedly as a direct victim of crime over a period of time, particularly if you have been deliberately targeted or you are a victim of a sustained campaign of harassment or stalking.

#### Commencement Information

- I10** Sch. para. 45 in force at 16.11.2015, see [reg. 1](#)

#### Vulnerable or intimidated victims

**46.** You are eligible for enhanced entitlements under this Code as a vulnerable victim<sup>(3)</sup> if:

- (1) You are under 18 years of age at the time of the offence, or
- (2) The quality of your evidence is likely to be affected because;
  - (a) You suffer from mental disorder within the meaning of the Mental Health Act 1983;
  - (b) You otherwise have a significant impairment of intelligence and social functioning; or
  - (c) You have a physical disability or are suffering from a physical disorder.

(3) This is based on the criteria in section 16 of the Youth Justice and Criminal Evidence Act 1999 for the court to determine eligibility for Special Measures (see paragraphs 53 and 54 of this Code).

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

**Commencement Information**

**I11** Sch. para. 46 in force at 16.11.2015, see **reg. 1**

**47.** You are eligible for enhanced entitlements under this Code as an intimidated victim if the service provider considers that the quality of your evidence will be affected because of your fear or distress about testifying in court.**(4)**

**Commencement Information**

**I12** Sch. para. 47 in force at 16.11.2015, see **reg. 1**

**48.** When assessing whether a victim is intimidated, the service provider must take account of;

(1) Any behaviour towards the victim on the part of the accused, members of the family or associates of the accused, and any other person who is likely to be an accused or witness in a potential court case<sup>7</sup>

(2) The nature and alleged circumstance of the offence to which a potential court case relates. Victims of a sexual offence or human trafficking will automatically be considered to be intimidated; and

(3) The victim’s age and, if relevant, the victim’s social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances.

**Commencement Information**

**I13** Sch. para. 48 in force at 16.11.2015, see **reg. 1**

**Commencement Information**

**I11** Sch. para. 46 in force at 16.11.2015, see **reg. 1**

**I12** Sch. para. 47 in force at 16.11.2015, see **reg. 1**

**I13** Sch. para. 48 in force at 16.11.2015, see **reg. 1**

**(4)** This is based on the criteria in section 17 of the Youth Justice and Criminal Evidence Act 1999 by which the court determines eligibility for Special Measures (see paragraphs 53 to 54 of this Code).

**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 1.