

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⁽¹⁾ 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](#)

⁽¹⁾ 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, PART 2. (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⁽²⁾. 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](#)

(2) 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⁽³⁾ 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, PART 2. (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 case⁷

(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](#)

CHAPTER 2

Special Investigation Measures

Special Investigation Measures

49. When your needs are assessed by a relevant service provider and you are identified as being eligible for enhanced entitlements, the relevant service provider will discuss the Special Investigation Measures available with you and determine whether you would benefit from such measures and therefore if any should be applied in your case, and, if so, what they should be. You are entitled to ask the relevant service provider, which could be the Service Police or the Commanding Officer, for Special Investigation Measures to be used. The service provider will take your views into account when deciding whether any Special Investigation Measures should be provided. The following Special Investigation Measures may be available:

⁽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).

(1) To have the same person, where possible, conduct all the interviews (unless to do so would prejudice the proper handling of the investigation);

(2) To be offered the opportunity to have a person of the same sex conduct the interview where you are a victim of sexual violence, gender-based violence, or domestic violence (any request will be met where possible unless to do so would prejudice the proper handling of the investigation);

(3) To have interviews carried out by or through professionals trained for that purpose;

(4) To have interviews carried out in premises designed or adapted for that purpose.

Commencement Information

I14 Sch. para. 49 in force at 16.11.2015, see [reg. 1](#)

50. If you are under 18 years of age, the additional Special investigation Measure of audio-visual recording of interviews may be available.

Commencement Information

I15 Sch. para. 50 in force at 16.11.2015, see [reg. 1](#)

51. If you are considered to be a vulnerable victim (in accordance with paragraph 46 of this Code, then in addition to the above Special investigation Measures, the use of communication aids are available.

Commencement Information

I16 Sch. para. 51 in force at 16.11.2015, see [reg. 1](#)

52. A Special Investigation Measure shall not be made available if operational or practical constraints make this impossible or where there is an urgent need to interview a victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

Commencement Information

I17 Sch. para. 52 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I14 Sch. para. 49 in force at 16.11.2015, see [reg. 1](#)

I15 Sch. para. 50 in force at 16.11.2015, see [reg. 1](#)

I16 Sch. para. 51 in force at 16.11.2015, see [reg. 1](#)

I17 Sch. para. 52 in force at 16.11.2015, see [reg. 1](#)

CHAPTER 3

Special Measures

Special Measures

53. If you give evidence at a Service court you will do so as a witness. Special Measures is the term used to describe the measures a Service court can order to assist vulnerable or intimidated

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 2. (See end of Document for details)

witnesses to give their best evidence in court. Special Measures are mentioned in Parts 3 and 4 of this Code. When your needs are assessed by a relevant service provider and you are identified as being eligible for Special Measures, the relevant service provider will discuss the measures available with you and record what you think will best help you to give evidence. You are entitled to ask the relevant service provider, which could be the Commanding Officer, Service Police or the Service Prosecuting Authority for Special Measures to be used during the trial to help to give your best evidence. The Service Prosecuting Authority will take your views into account when deciding whether to make an application. In cases where the Service Prosecuting Authority does make an application for Special Measures, you are entitled to be informed of the outcome of this application. It is the court that decides whether Special Measures should be ordered. Once the court orders Special Measures, you are entitled to receive them. If you are a vulnerable or intimidated victim (in accordance with paragraph 37 of this Code) the following Special Measures may be available:

- (1) Screens/curtains in the courtroom so the witness does not have to see the defendant, and, in some cases, the public gallery;
- (2) A live video link allowing a witness to give evidence away from the courtroom. This could be from a separate room within the court building, or from a dedicated live-link site outside the court building;
- (3) Giving evidence in private – the public gallery can be cleared in certain cases including those involving a sexual offence, human trafficking, or where the court is satisfied that someone other than the accused may seek to intimidate the witness;
- (4) Removal of wigs and gowns by judges, defence and prosecution advocates;
- (5) Video-recorded statements – these allow a witness to use a pre-recorded video statement as their main prosecution evidence.

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Commencement Information

I18 Sch. para. 53 in force at 16.11.2015, see [reg. 1](#)

54. If you are considered to be a vulnerable victim (in accordance with paragraph 46 of this Code) then in addition to the above Special Measures, the use of communication aids, such as assistance from Registered Intermediaries (see paragraph 55 of this Code), are available.

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Commencement Information

I19 Sch. para. 54 in force at 16.11.2015, see [reg. 1](#)

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Commencement Information

I18 Sch. para. 53 in force at 16.11.2015, see [reg. 1](#)

I19 Sch. para. 54 in force at 16.11.2015, see [reg. 1](#)

Registered Intermediaries

55. Registered Intermediaries are specialists who help vulnerable witnesses with an assessed communication difficulty to give their best evidence in court. The intermediary is approved by the court and can help to explain the questions and answers so far as necessary to help the witness but without changing the substance of the evidence.

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 2. (See end of Document for details)

Commencement Information

I20 Sch. para. 55 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 2.