

SCHEDULE

Armed Forces Code of Practice for Victims of Crime

PART 5

Duties on Service Providers

CHAPTER 5

Trial/Summary Hearing

General

266. The relevant service providers below must ensure that they provide the entitlements in Part 3, Chapter 4 and Part 4, Chapter 4 which fall to them (child victims are automatically eligible for enhanced services under this Code).

Commencement Information

I1 Sch. para. 266 in force at 16.11.2015, see [reg. 1](#)

Summary Hearing

267. The Commanding Officer must:

(1) ensure that victims and any family members with permission to accompany them can enter and leave the premises in which the Summary Hearing is being held through a different entrance and are seated in a separate waiting area from the accused where possible;

(2) ensure that, where circumstances permit, the Commanding Officer's discipline staff meet the victim and answer any questions posed about the Summary Hearing process and where possible provide an indication of how long the victim may have to wait before giving evidence;

(3) wherever possible, if there is a delay in proceedings on the day ensure that the Commanding Officer's discipline staff provide an explanation to the victim and indicate how long they may have to wait;

(4) ensure that there is a Commanding Officer's discipline staff contact point for victims so they can find out what is happening in their case whilst it is being heard.

Commencement Information

I2 Sch. para. 267 in force at 16.11.2015, see [reg. 1](#)

268. The Commanding Officer must ensure that there are procedures in place for their discipline staff to take the victim's contact details if they need to leave the building at any time, so the victim can be contacted if necessary.

Commencement Information

I3 Sch. para. 268 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 5. (See end of Document for details)

269. 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

I4 Sch. para. 269 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I2 Sch. para. 267 in force at 16.11.2015, see [reg. 1](#)

I3 Sch. para. 268 in force at 16.11.2015, see [reg. 1](#)

I4 Sch. para. 269 in force at 16.11.2015, see [reg. 1](#)

After the Summary Hearing

270. The Victim Liaison Officer must notify victims of the outcome of the Summary Hearing without unreasonable delay and must direct victims to victim support services where appropriate and available⁽¹⁾. If the Service Police are acting as the main point of contact for the victim and agree with the Victim Liaison Officer to provide this information to victims instead, they must tell victims that they will do so. The notification of the outcome must include, where available, a brief summary of reasons for the decision concerned.

Commencement Information

I5 Sch. para. 270 in force at 16.11.2015, see [reg. 1](#)

271. The unit must pay, without unreasonable delay, any expenses the Commanding Officer has decided are due to the victim after receiving the correctly completed claim form.

Commencement Information

I6 Sch. para. 271 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I5 Sch. para. 270 in force at 16.11.2015, see [reg. 1](#)

I6 Sch. para. 271 in force at 16.11.2015, see [reg. 1](#)

Service court trial

272. The Service Prosecuting Authority must:

(1) where circumstances permit, introduce themselves to victims, answer any questions they have on the court process and where possible indicate how long victims may have to wait before giving evidence;

⁽¹⁾ See paragraphs 16 to 18 of this Code.

(2) wherever possible, explain any delay in proceedings and tell the victim how long the wait is likely to be.

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Commencement Information

I7 Sch. para. 272 in force at 16.11.2015, see [reg. 1](#)

273. 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 in all the circumstances of the case to be inappropriate or aggressive.

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Commencement Information

I8 Sch. para. 273 in force at 16.11.2015, see [reg. 1](#)

274. Military Court Service staff must ensure that:

- (1) any Special Measures required by the victim are available if the court has ordered them;
- (2) victims and any family members who are attending court can enter the court through a different entrance and are seated in a separate waiting area from the suspect and their family and friends where possible;
- (3) there is a contact point for victims so they can find out what is happening in their case whilst it is being heard in court.

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Commencement Information

I9 Sch. para. 274 in force at 16.11.2015, see [reg. 1](#)

275. Military Court Service staff must also ensure wherever possible that contact details for all victims who are witnesses are taken so they are able to leave the court precincts and be contacted when necessary.

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Commencement Information

I10 Sch. para. 275 in force at 16.11.2015, see [reg. 1](#)

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Commencement Information

I7 Sch. para. 272 in force at 16.11.2015, see [reg. 1](#)

I8 Sch. para. 273 in force at 16.11.2015, see [reg. 1](#)

I9 Sch. para. 274 in force at 16.11.2015, see [reg. 1](#)

I10 Sch. para. 275 in force at 16.11.2015, see [reg. 1](#)

After the trial

276. The Service Prosecuting Authority or the Victim Liaison Officer must notify victims of the outcome of the trial hearing without unreasonable delay and must direct victims to victim support services where appropriate and available⁽²⁾. If the Service Police are acting as the main

(2) See paragraphs 16 to 18 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 5. (See end of Document for details)

point of contact for the victim and agree with the Service Prosecuting Authority and Victim Liaison Officer to provide this information to victims instead, they must tell victims that they will do so. The notification of the outcome must include, where available, a brief summary of reasons for the decision concerned.

Commencement Information

I11 Sch. para. 276 in force at 16.11.2015, see [reg. 1](#)

277. The Military Court Service must pay any expenses, without unreasonable delay, which the Military Court Service has decided are due to the victim after receiving the correctly completed claim form.

Commencement Information

I12 Sch. para. 277 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I11 Sch. para. 276 in force at 16.11.2015, see [reg. 1](#)

I12 Sch. para. 277 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 5.