

SCHEDULE

Armed Forces Code of Practice for Victims of Crime

PART 5

Duties on Service Providers

CHAPTER 7

Appeals

General

282. The relevant service providers below must ensure that they provide the entitlements in Part 3, Chapter 6 and Part 4, Chapter 6 which fall to them (child victims are automatically eligible for enhanced services under this Code). In some cases, the Service Police might act as the main point of contact for the victim and agree with the Victim Liaison Officer to provide the relevant information to victims instead. The Service Police must tell victims if this is the case.

Commencement Information

I1 Sch. para. 282 in force at 16.11.2015, see [reg. 1](#)

If an application is made to the Summary Appeal Court to appeal against a conviction or sentence in the Summary Hearing

283. The Victim Liaison Officer must ensure that they notify the victim of an appeal against conviction or sentence, and of the outcome of the appeal. The Victim Liaison Officer must notify the victim about these developments, without unreasonable delay, including:

- (1) the date, time and location of any hearings; and
- (2) the outcome of the appeal, including any changes to the original sentence.

Commencement Information

I2 Sch. para. 283 in force at 16.11.2015, see [reg. 1](#)

284. Where an appeal is made the Military Court Service must ensure wherever possible that:

- (1) victims and any family members who are attending court can enter the court through a different entrance where possible;
- (2) they provide a Military Court Service contact point for the victim during usual working hours;
- (3) they provide appropriate waiting and seating facilities as set out in paragraph 115 of this Code, including separate facilities for victims and their family and friends where available.

Commencement Information

I3 Sch. para. 284 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 7. (See end of Document for details)

285. As an appeal to the Summary Appeal Court involves a rehearing of the charge and/or punishment, the relevant entitlements set out elsewhere in the Code apply, including the relevant entitlements relating to Victim Personal Statements.

Commencement Information

I4 Sch. para. 285 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I2 Sch. para. 283 in force at 16.11.2015, see [reg. 1](#)

I3 Sch. para. 284 in force at 16.11.2015, see [reg. 1](#)

I4 Sch. para. 285 in force at 16.11.2015, see [reg. 1](#)

If an application is made to the Summary Appeal Court to have a case stated for the opinion of the High Court

286. The Military Court Service must ensure that they notify the Victim Liaison Officer within 1 working day of receipt of an application to the Summary Appeal Court to have a case stated for the opinion of the High Court, and within 1 working day, of the outcome of that procedure. The Victim Liaison Officer must then notify the victim about these developments, without unreasonable delay, including:

- (1) an application to the Summary Appeal Court to have a case stated for the opinion of the High Court has been made;
- (2) the judge advocate’s decision as to whether or not they have decided to state a case;
- (3) the date, time and location of any hearing before the High Court;
- (4) the outcome of that stated case.

Commencement Information

I5 Sch. para. 286 in force at 16.11.2015, see [reg. 1](#)

287. Where an application is made the High Court staff must also ensure wherever possible that:

- (1) victims and any family members who are attending court can enter the court through a different entrance from the suspect and their family and friends where possible;
- (2) they provide a High Court staff contact point for the victim during usual working hours;
- (3) they provide appropriate waiting and seating facilities as set out in paragraph 118, including separate facilities for victims and their family and friends where available.

Commencement Information

I6 Sch. para. 287 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I5 Sch. para. 286 in force at 16.11.2015, see [reg. 1](#)

I6 Sch. para. 287 in force at 16.11.2015, see [reg. 1](#)

If an appeal is made to the Court Martial against a conviction or sentence in the Service Civilian Court

288. The Military Court Service must ensure that they notify the Victim Liaison Officer within 1 working day of receipt of an appeal against conviction or sentence, and within 1 working day of the outcome of the appeal. The Victim Liaison Officer must then notify the victim about these developments without unreasonable delay including:

- (1) any notice of appeal that has been made;
- (2) the date, time and location of any hearings; and
- (3) the outcome of the appeal, including any changes to the original sentence.

Commencement Information

I7 Sch. para. 288 in force at 16.11.2015, see [reg. 1](#)

289. Where an appeal is made the Military Court Service must also ensure wherever possible that:

- (1) victims and family members who are attending court can enter the court through a different entrance from the suspect and their family and friends where possible;
- (2) they provide a Military Court Service contact point for the victim during the usual working hours;
- (3) they provide appropriate waiting and seating facilities as set out in paragraph 120 of this Code, including separate facilities for victims and their family and friends where available.

Commencement Information

I8 Sch. para. 289 in force at 16.11.2015, see [reg. 1](#)

290. As an appeal to the Court Martial from the Service Civilian Court involves a rehearing of the charge and/or sentence, the relevant entitlements set out elsewhere in the Code apply, including the relevant entitlements relating to Victim Personal Statements.

Commencement Information

I9 Sch. para. 290 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I7 Sch. para. 288 in force at 16.11.2015, see [reg. 1](#)

I8 Sch. para. 289 in force at 16.11.2015, see [reg. 1](#)

I9 Sch. para. 290 in force at 16.11.2015, see [reg. 1](#)

If an application is made to appeal against a conviction or sentence to the Court Martial Appeal Court, or an application or appeal is made to the UK Supreme Court in a criminal case on a point of law

291. The Service Prosecuting Authority must provide details of the Victim Liaison Officer's identity and contact details to Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court within 2 working days of being supplied with a copy of Form 1. If any relevant issues arise, the Service Prosecuting Authority must also provide details of an alternative Victim Liaison

Officer to Her Majesty's Courts and Tribunal Service staff within 5 working days of receipt of a request to do so. The Service Prosecuting Authority must provide details of the Victim Liaison Officer's identity and contact details to the UK Supreme Court within 5 working days of receipt of a request to do so.

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Commencement Information

I10 Sch. para. 291 in force at 16.11.2015, see [reg. 1](#)

292. Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court and UK Supreme Court must ensure, wherever possible, that they notify the Victim Liaison Officer at the same time as notifying the appellant when leave to appeal is granted, when a date and time has been set for a hearing or a change is made to a hearing date and when the outcome of the appeal is known.

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Commencement Information

I11 Sch. para. 292 in force at 16.11.2015, see [reg. 1](#)

293. Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court must also notify the Victim Liaison Officer of the decision to release an appellant on bail pre-appeal without unnecessary delay.

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Commencement Information

I12 Sch. para. 293 in force at 16.11.2015, see [reg. 1](#)

294. After receiving information from the Court Martial Appeal Court staff that an appellant is to be released on bail pre-appeal, or that bail conditions have been varied, in cases where there is a danger or an identified risk of harm to the victim, the Victim Liaison Officer must inform victims and the Military Corrective Training Centre Armed Forces Victim Contact Scheme of this without unnecessary delay⁽¹⁾.

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Commencement Information

I13 Sch. para. 294 in force at 16.11.2015, see [reg. 1](#)

295. On receiving the relevant information from Her Majesty's Courts and Tribunal Service staff in the Court Martial Appeal Court or UK Supreme Court, the Victim Liaison Officer must inform victims, without unreasonable delay, and the Military Corrective Training Centre Armed Forces Victim Contact Scheme contact where relevant⁽²⁾ of the following information:

- (1) that leave to appeal has been granted and a hearing in designated form will occur;
- (2) a contact point for the victim during usual working hours during the hearing;
- (3) the outcome of the appeal including any changes to the original sentence.

(1) The victim is not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

(2) In cases where a sentence of service detention, or a sentence of imprisonment or equivalent youth custody has been imposed.

Commencement Information

I14 Sch. para. 295 in force at 16.11.2015, see [reg. 1](#)

296. On receiving information from Her Majesty’s Courts and Tribunal Service staff in the Court Martial Appeal Court, or UK Supreme Court about the time, date and location of any hearing or any changes to hearing dates, the Victim Liaison Officer must inform victims and, where the accused was sentenced to imprisonment or a sentence of Service detention, the Military Corrective Training Centre Armed Forces Victim Contact Scheme contact without unreasonable delay.

Commencement Information

I15 Sch. para. 296 in force at 16.11.2015, see [reg. 1](#)

297. Her Majesty’s Courts and Tribunal Service staff in the Court Martial Appeal Court and UK Supreme Court must also ensure that:

- (1) victims and any family members who are attending court can enter the court through a different entrance from the suspect and their family and friends where possible;
- (2) they provide appropriate waiting and seating facilities as set out in paragraph 122, including separate facilities for victims and their close relatives where available;
- (3) they provide a victim in the case or their family spokesperson with a copy of the court’s approved and published judgment when requested.

Commencement Information

I16 Sch. para. 297 in force at 16.11.2015, see [reg. 1](#)

298. The Victim Liaison Officer must provide the Service Prosecuting Authority, the Commanding Officer and the Service Police with their contact details. In addition, they must notify the Service Prosecuting Authority, the Commanding Officer and the Service Police of any changes to this information.

Commencement Information

I17 Sch. para. 298 in force at 16.11.2015, see [reg. 1](#)

299. The Service Prosecuting Authority must inform the Victim Liaison Officer in a timely manner if the victim has the opportunity to make a new or further VPS in the appeal process. The Victim Liaison Officer must inform the victim of this opportunity without unreasonable delay of being provided with the information.

Commencement Information

I18 Sch. para. 299 in force at 16.11.2015, see [reg. 1](#)

Commencement Information

I10 Sch. para. 291 in force at 16.11.2015, see [reg. 1](#)

I11 Sch. para. 292 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 7. (See end of Document for details)

- I12** Sch. para. 293 in force at 16.11.2015, see [reg. 1](#)
- I13** Sch. para. 294 in force at 16.11.2015, see [reg. 1](#)
- I14** Sch. para. 295 in force at 16.11.2015, see [reg. 1](#)
- I15** Sch. para. 296 in force at 16.11.2015, see [reg. 1](#)
- I16** Sch. para. 297 in force at 16.11.2015, see [reg. 1](#)
- I17** Sch. para. 298 in force at 16.11.2015, see [reg. 1](#)
- I18** Sch. para. 299 in force at 16.11.2015, see [reg. 1](#)

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