

## SCHEDULE

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

## PART 6

### Definitions

#### Definitions

**319.** This Part provides an explanation of the key words or phrases found in this Code. You will also find a summary of all the Special Measures available and information about Registered Intermediaries at paragraph 1.15. In this Code—

“Accused” is a person who has been charged with having committed an offence;

“Acquittal” means a formal direction or finding that the accused is not guilty of the criminal charge;

“Adjournment” means the temporary suspension of the hearing of a case by order of the court or Commanding Officer;

“Advocate” is the person who represents the Service Prosecuting Authority or defendant in court;

“Appeal” is a legal process by which a case is brought before a higher court for review of the decision of a lower court;

“Bail (and bail conditions)” means the release of a suspect from custody, until his or her next appearance in court. This is sometimes subject to security being given and/or compliance with certain bail conditions, such as periodically reporting to a police station;

“Charge” means a formal accusation against a person(s) in the Service Justice System;

“Child” means any person below 18 years of age;

“Close Relatives” refers to the spouse, the partner, the relatives in direct line, the siblings and the dependants of the victim. Other family members, including guardians and carers, may be considered close relatives at the discretion of the service provider;

“Entitlement” means service(s) that are to be provided to victims of a criminal offence by the relevant service provider;

“Family Liaison Officer (FLO)” is a Service Policeman trained to work with bereaved families to secure their confidence and trust, to provide support and information about the investigation and support agencies, and to gather information which contributes to the investigation;

“First Contact” means this is the first meeting between the victim and the Service Police or the Commanding Officer’s investigation;

“Guardian in relation to a person under the age of 18” means a person who has for the time being the care of a person who is under the age of 18;

“Hate Crime” means any criminal offence that is motivated by hostility or prejudice based on the victim’s disability, race, religion or belief, sexual orientation or transgender identity;

“Licence conditions” means the conditions an offender must comply with if they are released from prison ‘on licence’. This means they will be supervised by Probation and will have to comply with certain conditions which are designed to protect the public, prevent reoffending and reintegrate the offender into the community;

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

“Meeting” means a meeting may be a face-to-face meeting or be made by telephone or audio-visual technology. The choice of method of meeting in a particular case is to be determined by the service provider;

“Needs assessment” means an evaluation carried out by service providers to determine the kind of support that a victim may needs following a crime. This process can also be used to identify any Special Measures that a victim might need if they are going to be giving evidence;

“Notifying/Informing a victim” means the posting of a letter, the making of a telephone call, a face-to-face meeting or the sending of an e-mail, fax, text message or any other communication method that the service provider considers is most appropriate;

“Offender” is the person who has been found guilty or proved of having committed the crime;

“National Probation Service” means the provider of probation and offender management services when offenders are released from prison. These services include rehabilitating offenders, reducing their risk, protecting the public, punishing offenders, and providing victim services;

“Place of the hearing” means the building or vessel in which the hearing takes place;

“Prosecutor” is the lawyer who presents the case against the suspect(s);

“Sentence” means the punishment given to a suspect found guilty by a Service court or a Commanding Officer;

“Service Courts” means the Court Martial, Summary Appeal Court, Service Civilian Court, and Court Martial Appeal Court;

“Service Custody Release Requirements” means requirements imposed by a Judge Advocate where necessary to secure the accused’s attendance at hearings, to secure that they do not commit an offence while released from custody, or interfere with witnesses, or obstruct the course of justice, or imposed for their own protection or, if aged under 17 for their own welfare or interests;

“Service Justice System” means the criminal justice and disciplinary system for the UK Armed Forces;

“Service Police” means the Royal Navy Police, the Royal Military Police, [<sup>F1</sup>the Royal Air Force Police, or the tri-service serious crime unit];

“Service Prosecuting Authority” is the organisation responsible for prosecuting offences in the Service Courts. It is headed by the Director of Service Prosecutions;

“Service provider” means a person or organisation required to provide services under this Code, as specified in paragraphs 7 and 8 of this Code;

“Special Investigation Measures” means the various enhanced entitlements for victims in Service Police and Commanding Officers’ investigations. The full list with an explanation is included in paragraphs 49 to 52 of this Code;

“Special Measures” means the various measures that a court can order to assist vulnerable or intimidated witnesses to give their best evidence in court as set out under sections 16 to 30 of the Youth Justice and Criminal Evidence Act 1999. These measures include live video links, video-recorded statements, screens around the witness box and assistance with communication, including the use of an Intermediary. The full list with an explanation is included in paragraphs 53 and 54 of this Code;

“Summary Hearing” means the process heard before a Commanding Officer in less serious cases to determine whether the charge against the accused is proved;

“Suspect” means someone who the Police believe may have committed the crime;

“Trial” means the court process that determines whether someone who is accused of a crime is guilty;

[<sup>F2</sup>“Tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006;]

“UK Supreme Court” means the highest appeal court in the United Kingdom;

“Victim Liaison Officer” is a persons appointed to keep the victim informed of various events through the Service justice process;

“Victim support services” are organisations providing emotional and practical support services to victims of crime;

“Witness Statement” means a written or video account by a witness of the facts and details of a crime or an incident;

“Working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971. For the purposes of calculating time periods under this Code the first “working day” is the first day after the decision or event.

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#### **Textual Amendments**

- F1** Words in *Sch. para. 319* substituted (5.12.2022) by *The Armed Forces (Tri-Service Serious Crime Unit) (Consequential Amendments) Regulations 2022* (S.I. 2022/1051), regs. 1(2), **19(2)(a)**
- F2** Words in *Sch. para. 319* inserted (5.12.2022) by *The Armed Forces (Tri-Service Serious Crime Unit) (Consequential Amendments) Regulations 2022* (S.I. 2022/1051), regs. 1(2), **19(2)(b)**
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#### **Commencement Information**

- I1** *Sch. para. 319* 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 6.