

## SCHEDULE

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

## PART 4

### Victims' Entitlements – Entitlements for Children and Young People

#### CHAPTER 3

##### Before the trial - charge, Service custody and information about the trial

#### Charge and Service custody

**159.** This Chapter tells you what happens when the suspect is charged with committing the crime. Being charged is when there is enough evidence (or proof) and it is in the public interest to formally accuse the suspect of the offence.

#### Commencement Information

**I1** Sch. para. 159 in force at 16.11.2015, see [reg. 1](#)

**160.** You are entitled to be told, without unreasonable delay, of the following events happening:

(1) if the case is referred by the Service police to the Commanding Officer or the Director of Service Prosecutions or a decision is made not to refer the case and be told why if not. You can ask for a review of a decision not to refer the case if you are not happy with it and you should be given enough information to help you decide whether or not you want to do that;

(2) a Commanding Officer's decision to charge the suspect or to refer the case to the Director of Service Prosecutions, or a decision not to do these things. If the Commanding officer decides not to charge or does not refer the case (where they do not have the power to charge without first referring the case to the Director of Service Prosecutions), you are entitled to be told why not. You can ask for a review of a decision not to refer the case or not to charge if you are not happy with it and you should be given enough information to help you decide whether or not you want to do that;

(3) a Service Prosecuting Authority decision to prosecute (take to court) or not to prosecute the suspect. You are entitled to be told how you can get more information about the decision if the Service Prosecuting Authority decides not to prosecute the suspect. You can ask for a review of the decision if you are not happy with it and you should be given enough information to help you decide whether you want to do that. The Service Prosecuting Authority prosecutes (takes to court) service offences.

(4) the date of any hearing being set and the outcome of the hearings;

(5) where there is a danger or an identified risk of harm to you, on request, the investigator will inform you, without unnecessary delay, of a suspect being released from Service custody and any Service custody release requirements which are made by the court, or if those release requirements change<sup>(1)</sup>.

#### Commencement Information

**I2** Sch. para. 160 in force at 16.11.2015, see [reg. 1](#)

(1) You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from giving you this information.

**Commencement Information**

- I1** Sch. para. 159 in force at 16.11.2015, see [reg. 1](#)
- I2** Sch. para. 160 in force at 16.11.2015, see [reg. 1](#)

**Preparation for the trial**

**161.** Where a suspect is charged with committing a crime, you are entitled to be informed without unreasonable delay of a Service Prosecuting Authority or Commanding officer's decision to make big changes to the charges against the suspect, to stop the case, to charge the suspect with another crime or a Service Prosecuting Authority decision to offer no evidence to the court (i.e. end the case).

**Commencement Information**

- I3** Sch. para. 161 in force at 16.11.2015, see [reg. 1](#)

**162.** Where the Service Prosecuting Authority or the Commanding Officer decides to stop the case by discontinuing proceedings or the Service Prosecuting Authority decides to offer no evidence, you are entitled to be told how you can get more information about the decision and how you can ask for a review of the decision if you are not happy with it. You are entitled to receive enough information to help you decide whether or not you want to ask for a review.

**Commencement Information**

- I4** Sch. para. 162 in force at 16.11.2015, see [reg. 1](#)

**163.** Paragraphs 165 to 168 of this Code give you information about services you are entitled to get from the Victim Liaison Officer. Sometimes the Service Police might provide you with this information and support instead if they are your main point of contact. The Service Police will tell you if they are your main point of contact.

**Commencement Information**

- I5** Sch. para. 163 in force at 16.11.2015, see [reg. 1](#)

**164.** You are entitled to be told about the date, time and place of any court hearings or Summary Hearing, the court or Commanding Officer's decision and what should happen next. You will be given this information by the Victim Liaison Officer without unreasonable delay. You will also be told what this means for you and what you need to do.

**Commencement Information**

- I6** Sch. para. 164 in force at 16.11.2015, see [reg. 1](#)

**165.—(1)** You may ask the Victim Liaison Officer to inform you of a suspect being released from Service custody and any Service custody release requirements which are made by the court, or if those release requirements change;

(2) You are entitled to the information requested in paragraph 165(1) of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay<sup>(2)</sup>.

**Commencement Information**

**I7** Sch. para. 165 in force at 16.11.2015, see [reg. 1](#)

**166.** If the accused pleads not guilty in a Service court or if you are required to give evidence in the Summary hearing, you are entitled to talk to the Military Court Service (if your case is being heard in a Service court) or your Victim Liaison Officer (if your case is being heard in a Summary hearing) about what support you may need. You can ask for your contact details to be sent to victim support services so that they can get in touch with you to talk about any extra support they could offer you<sup>(3)</sup>.

**Commencement Information**

**I8** Sch. para. 166 in force at 16.11.2015, see [reg. 1](#)

**167.** You are entitled to be told by your Victim Liaison Officer, without unreasonable delay, if you have to give evidence.

**Commencement Information**

**I9** Sch. para. 167 in force at 16.11.2015, see [reg. 1](#)

**168.** If you are asked to give evidence at the trial you are entitled to:

(1) see your video recorded or written statement shortly before the trial to help you remember what you said when you told the Service police what happened to you. The Service Police will arrange this for you;

(2) if you made a written statement, it will be available for you on the day. If you made a video recorded statement, arrangements will be made for you to view this separately before the trial;

(3) be informed by the Military Court Service staff about what will happen on the day. The Service Prosecuting Authority advocate will explain the Special Measures available to help you (see paragraphs 53 and 54 of this Code);

(4) be told by the Military court Service how you can get leaflets that help you understand what will happen when you give evidence to a court;

(5) if you are due to attend court as a witness, visit the court before the trial to see what it looks like. You should see the court room and practice using Special Measures equipment like video links or screens around the witness box depending on what the court has ordered. Where possible, you will get to meet the staff who will help you on the day.

**Commencement Information**

**I10** Sch. para. 168 in force at 16.11.2015, see [reg. 1](#)

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

(3) 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 3. (See end of Document for details)

**169.** If you are required to give evidence at the Summary Hearing, you are entitled to:

- (1) view your statement to help refresh your memory, a copy will be made available to you on the day of the hearing;
- (2) be informed by the Victim Liaison Officer about what will happen at the Summary Hearing.

.....  
**Commencement Information**

**I11** Sch. para. 169 in force at 16.11.2015, see [reg. 1](#)

**170.** In the event of a suspect the event of a suspect escaping from service custody, if there is a danger of an identified risk of harm to you, the Service Police, once aware of the escape or notified of it by the Military Corrective Training Centre, will notify you wherever possible of the escape and any measures taken for your protection if it is assessed that the suspect poses a significant risk of harm to you.

.....  
**Commencement Information**

**I12** Sch. para. 170 in force at 16.11.2015, see [reg. 1](#)

.....  
**Commencement Information**

- I3** Sch. para. 161 in force at 16.11.2015, see [reg. 1](#)
- I4** Sch. para. 162 in force at 16.11.2015, see [reg. 1](#)
- I5** Sch. para. 163 in force at 16.11.2015, see [reg. 1](#)
- I6** Sch. para. 164 in force at 16.11.2015, see [reg. 1](#)
- I7** Sch. para. 165 in force at 16.11.2015, see [reg. 1](#)
- I8** Sch. para. 166 in force at 16.11.2015, see [reg. 1](#)
- I9** Sch. para. 167 in force at 16.11.2015, see [reg. 1](#)
- I10** Sch. para. 168 in force at 16.11.2015, see [reg. 1](#)
- I11** Sch. para. 169 in force at 16.11.2015, see [reg. 1](#)
- I12** Sch. para. 170 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 3.