

Further information

There is a charter for the Crown Court called the 'Charter for Court Users', which sets out the important standards which you can expect when you come to court. You can get a copy from the Court Service Headquarters by phoning 020 7210 2269. Many magistrates' courts have their own local charter, which you can get from the court.

This leaflet is also available in the following languages: Bengali, Cantonese, Gujarati, Hindi, Punjabi, Urdu, Somali, Vietnamese, Greek, Turkish and Arabic.

You can also get this leaflet in large text, Braille, or on audiotape. Contact your local police station or Witness Support office for details.

You can get general information about the criminal justice system (the police, the courts and the Crown Prosecution Service) from www.cjsonline.gov.uk

**Thank you for your
time and trouble.**



Witness in Court



You have been asked to go to a magistrates' court or the Crown Court to give evidence as a witness. You have been called as a witness because you have made a statement to the police about a crime and the court may want to ask you about it. Or, you may have been asked to give evidence for someone who is accused of a crime.

This leaflet tells you what to expect



Improving Service

What happens in a magistrates' court?

Magistrates will listen to all the evidence and decide whether the person accused of the crime (the defendant) is guilty or not. If the defendant is found guilty (convicted), or the defendant admits he or she is guilty, the magistrates usually decide on the sentence. The magistrates are either three local people or there may be just one magistrate who is a lawyer. In court there will also be a lawyer who speaks for the prosecution, and a different one who speaks for the defendant. They do not wear wigs and gowns.

What happens in the Crown Court?

A trial in a Crown Court takes place in front of a judge. If the defendant does not admit to being guilty, a jury of 12 men and women who are ordinary members of the public will also be there. The jury decides whether the defendant is guilty or not guilty. The judge decides on matters of law. If the defendant is found guilty or admits he or she is guilty, the judge also decides on the sentence. In court there will also be a lawyer who speaks for the prosecution, and a different one who speaks for the defendant.

Will there be other court hearings before the trial?

There may be other court hearings before the trial, but witnesses do not have to go to these. You will only have to give your evidence once – at the trial (unless there is another trial for the same case). Sometimes the defendant pleads guilty before trial and you will not have to give your evidence in court at all. However, in very rare circumstances you may have to give evidence if there is some disagreement between the prosecution and defence about the facts of the offence. You will be told if this happens.

After a trial in a magistrates' court you may be asked to give your evidence in an appeal against the conviction. This appeal will be in front of a judge in the Crown Court, but with two magistrates instead of a jury.

Who else will be in the courtroom?

In both types of court there will be a clerk of the court who helps to run the proceedings. In a magistrates' court the clerk also gives the magistrates advice on legal matters.

You will also see court ushers who call witnesses, take messages and help to run the court. You can recognise them by their black gowns. There may be other people in the courtroom such as police and probation officers, newspaper reporters and members of the public.

The Witness Service

There is a Witness Service in every court in England and Wales. This service is run by the independent national charity, Victim Support, and helps victims, witnesses and their families before, during and after the trial. The Witness Service normally contacts witnesses before the court hearing to offer its services. Trained volunteers from the service provide a free and confidential service including:

- general information on court proceedings;
- emotional support; and
- someone to go with you into the courtroom if you have to give evidence.

The Witness Service cannot discuss evidence or offer legal advice. You will find details of witness services in the phone book under the name of the Crown Court or magistrates' court. Or you can contact the National Office on 0845 303 0900.

Do I need to do anything before going to court?

- The person who asks you to come to court should send you information about how to get to the court and the facilities available there. Crown Court centres have a customer service officer who you can also ask about facilities. You can find the number of the court in the phone book under Crown Court.
- You should tell the person who asked you to come to court (for example, the police Witness Liaison Officer if you are a prosecution witness, or the defendant's solicitor, if you are a defence witness) if:
 - you think you will need an interpreter;
 - you have a disability or other special needs; or
 - you would like to visit the court on a day before the trial starts. You can also arrange this with the Customer Service Officer or the Witness Service at the Crown Court.

You should not normally have to give your address in court when you give evidence. If there is a very good reason, and the court agrees, you can write down your name instead of saying it out loud. Tell the person who asked you to come to court if you are worried. You can also speak to the usher or the Witness Service about this when you get to court.

It is a criminal offence to intimidate (frighten) a witness, juror or anyone helping the police in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police or the representative of the Crown Prosecution Service (CPS) or other prosecuting authority at court. If you are a defence witness, you should tell the defendant's solicitors or their representative at court. If you are not sure who to tell at court, tell the court usher.

Special measures in court for witnesses who are vulnerable or intimidated

("intimidated" means feeling fear or distress about going to court)

Are you afraid or anxious about giving evidence?

It is common for people to feel anxious about giving evidence in court. Trained volunteers from the Witness Service are aware of this and will be at the court to help you. Other people who work at the court will also know that you may be nervous or afraid and will do what they can to make sure you are treated with respect and sensitivity.

Some people may be vulnerable or intimidated and may need special measures to help them to give their evidence in the best way possible. Two examples are:

- a screen in the courtroom that prevents a witness from seeing the accused; and
- a live TV link so that the witness does not have to give evidence in the courtroom.

Do I qualify for special measures?

You could be eligible for the special measures if:

- you are under the age of 17 at the time of the court hearing; or
- if the court considers that the quality of your evidence is likely to suffer because you have a mental disorder, or you have a significant impairment of intelligence and social functioning, or you have a physical disability or disorder; or
- the quality of your evidence is likely to suffer because of fear or distress.

It is for the court to decide if you qualify for special measures. They will take advice from the police, the Crown Prosecution Service (CPS) or defence lawyers. The police and the CPS will take into account your views on whether you would like to apply for special measures.

Are the special measures available now?

The special measures are being introduced gradually. From July 2002, most of them will be available in the Crown Court.

In July 2002, the measures in the magistrates' court will be limited to TV links and video recorded evidence for child witnesses in cases involving sexual offences, violence (including threats) and cruelty.

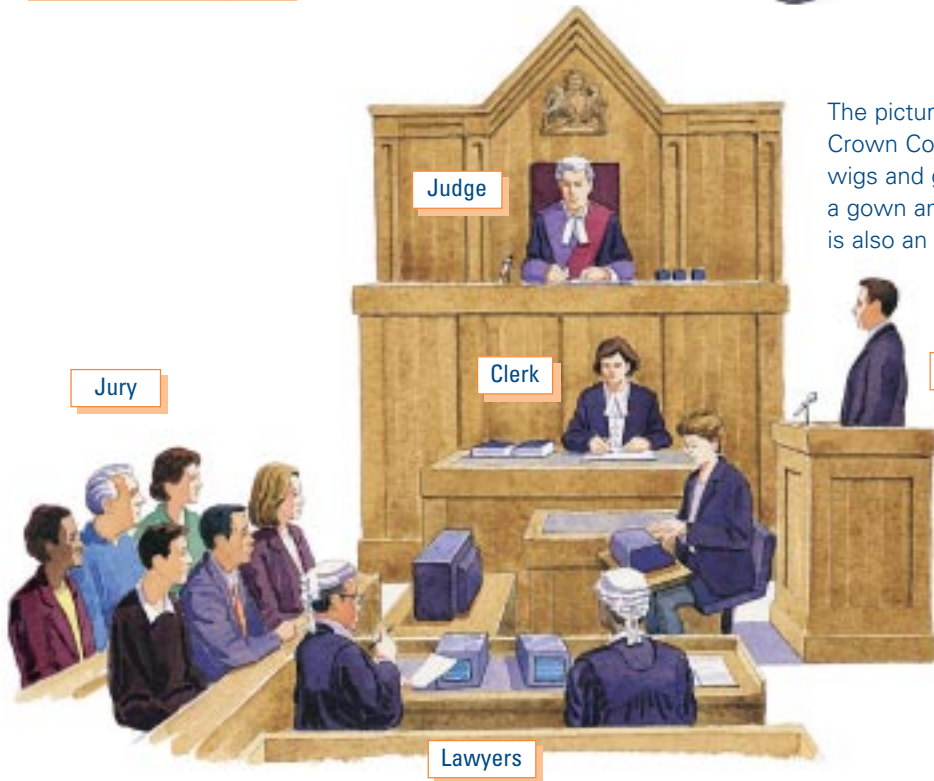
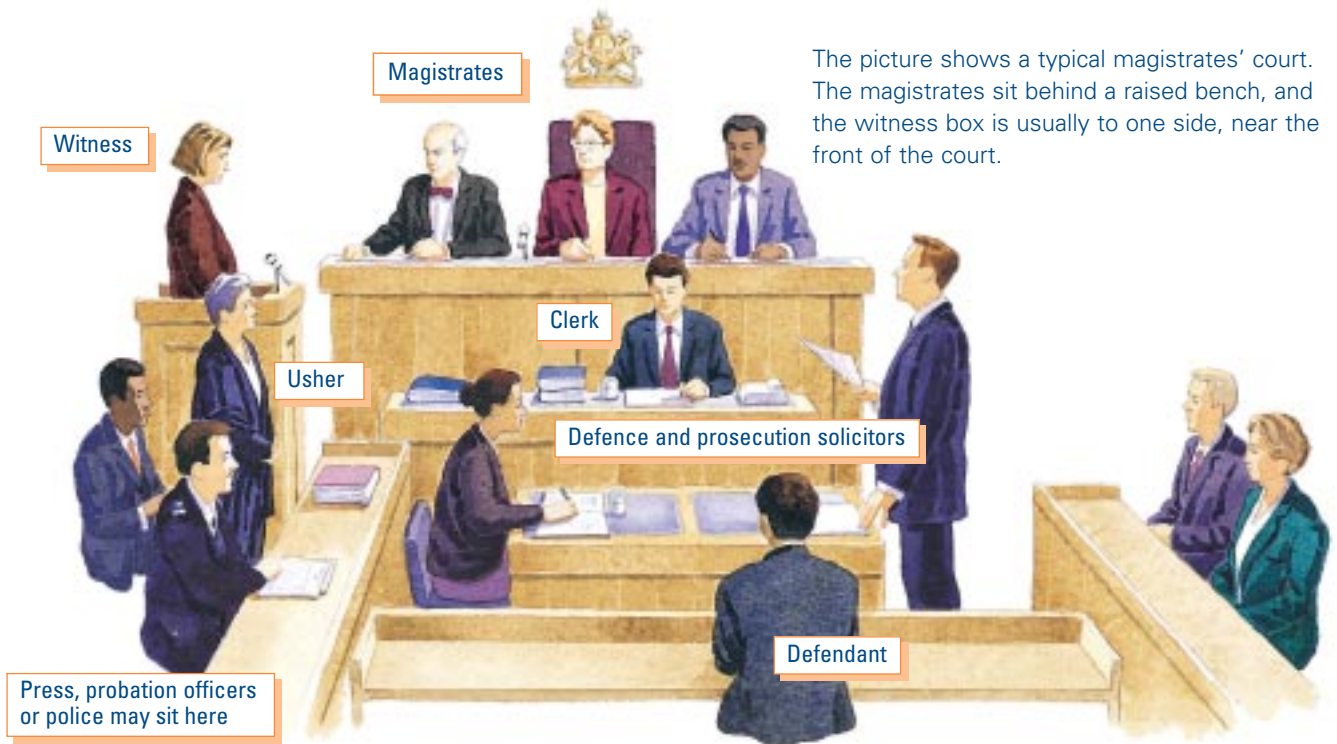
Where can I get further information?

A more detailed leaflet on special measures will be available from around July 2002 and will include details of the gradual introduction of the special measures.

What should I take with me to court?

- You should take the letter asking you to go to court, if you received one, and any other information you have been given about the court hearing.
- If you are told to do so, you should bring any exhibits you still have, such as stolen jewellery which may have been returned to you.
- You also need to take the address of the court and public transport details. Some courts don't have parking spaces. So, if you are taking a car, allow time to find a place to park and remember you may be staying several hours.
- You might also like to take something to read or do. You may have to wait before it's your turn to give evidence.
- You may also need money to cover costs like car parking and refreshments. Not all courts sell refreshments so you may have to make other arrangements.
- If you like, you can take a friend or relative to keep you company. They won't be able to get expenses (such as travel costs) unless the court agrees he or she must be there. For example, you may need someone to look after your child while you give evidence, or if you are disabled. You can check this with the person who asked you to come to court.

Where possible, seating in the courtroom can be arranged for anyone going with you. If you are going to a magistrates' court, you can ask the police or the person who asked you to come to court to put you in touch with the court. Or you can contact the court directly yourself. (If you are going to the Youth Court, you can take a friend but they will not be able to go into the courtroom with you.) If you are going to the Crown Court, ask the Customer Service Officer, or contact the Witness Service.



The picture shows a typical courtroom of the Crown Court. Judges and some lawyers wear wigs and gowns. The Court Clerk also wears a gown and, in some courts, a wig too. There is also an area for the jury to sit.

Arrangements for child witnesses

Many Crown Court centres have special facilities for child witnesses. If the judge agrees, children can give their evidence from a private room over a TV link with the courtroom. All Crown Court centres have a Child Witness Officer, who will:

- answer your questions about the facilities at the court and court procedures;
- explain how a TV link works (if one is used); and
- take the child and their companions to a private waiting area away from the defendants.

If you are the parent or guardian of a child witness, contact the Child Witness Officer or the Witness Service for more information.

What do I do when I arrive at court?

- You will find clear signs to help you find your way around.
- All cases are listed under the defendant's name. Give the receptionist or usher the name of the defendant and show the letter asking you to come to court (if you received one). The receptionist will tell you where to wait. If you are not already in touch with the Witness Service, you can contact them when you get to court. If you need to speak to the Customer Service Officer, ask at the reception point.
- Ask the usher, Customer Service Officer or the Witness Service if:
 - you want to have a look in the courtroom before your case starts (you can do this first thing in the morning or at lunchtime);
 - you are worried about meeting the other person or his or her friends or relatives. There may be a separate room where you can wait before and during the hearing.
- If you are a witness for the prosecution, a representative from the Crown Prosecution Service (CPS) will introduce themselves, if this is possible.

- If you have made a statement and you want to see it before you give evidence, you will normally be allowed to. If you are a prosecution witness, ask the CPS for a copy. If you are a defence witness, ask the defence representative for a copy.

You should not talk to anyone, especially other witnesses, about the evidence you will be giving before you go into the witness box. If you have discussed the evidence with other people, you might find when you get into court that your evidence is doubted. (You can of course speak to police officers and lawyers dealing with the case.)

Will I have to wait to give evidence?

- The courts will aim to make sure you do not have to wait more than two hours before you are called to give evidence. However, some cases are delayed or even put off until another date. This may be because an earlier case has gone on longer than expected or someone else in the case has not arrived. If this happens you will be told. If you are a prosecution witness, court staff or the representative of the CPS or other prosecuting authority will tell you about the delay and how long the wait is likely to be. If you are a defence witness, the defence representative will tell you why there is a delay and how long the wait is likely to be. Sometimes a defendant pleads guilty on the day of the trial so you cannot be told until the last minute that your evidence is not needed.
- If there is some time to wait before your case starts you can sit in the public gallery of the courtroom and listen to other cases. If you do this, tell the usher where you have gone. Once your case starts, you must leave the courtroom and wait outside until it's your turn to give evidence. You must not hear the evidence of other witnesses before you give your own evidence.

When can I leave the court?

- Don't leave the court until you are told that you are no longer needed.
- If you have an important reason to leave early, tell the person who asked you to come to court or their representative at court before the case starts. If you can't find them tell the usher. It may be possible for you to give evidence out of turn. However, this can't always be arranged.
- If you leave the court building for any reason, tell the usher.

What will happen when I give evidence?

When you are called into the courtroom, you will be shown to the witness box. You should stand up, but if you find standing difficult, you should ask the magistrate or the judge if you can sit down. You will then be asked to take the oath. This means you have to swear to tell the truth on the Bible or the holy book of your religion. If you prefer, you can "affirm", that is to promise to tell the truth. If you want to do this, you can either tell the court when you are in the witness box or tell the usher before you go in.

If you are a witness for the prosecution, the prosecution lawyer will ask you questions first. Then the defence will ask questions – this is called cross-examination. When the cross-examination has finished, the prosecution may ask you more questions. If you are a witness for the defence, the defendant's lawyer asks you questions first. A magistrate or his or her clerk or the judge may also ask you questions. In a Crown Court trial the jury can write down questions which they pass to the judge. The judge then asks the questions for them. You might be asked to go into the witness box more than once to give more evidence.

Remember

- The defendant will have pleaded not guilty. Your evidence will help the court to decide whether he or she is guilty or not.
- If you don't know or are not sure of the answer to any questions you are asked, say so. You can ask the magistrate or the judge for advice.
- Don't worry if you are told you cannot say certain things when you are giving evidence. This is because there are some rules about the kind of evidence the court can hear.
- Take your time and speak slowly and clearly.
- Ask for questions to be repeated if you don't understand or can't hear.
- The magistrate or judge won't know everything about your case, so take care not to leave anything out of your evidence.
- Witnesses are sometimes called to give evidence even when the defendant has pleaded guilty. This happens when there is a disagreement about the facts of the offence.

What happens after I have given evidence?

After you have finished giving evidence you may be told that you are released. This means that you can leave, but you can stay and listen to the rest of the case if you want to.

Sometimes you might have to stay after you have given evidence. This happens only when something new has come up while you are giving evidence.

Expenses

You can claim certain expenses for travelling to court, and an allowance for meals and lost wages or other financial loss. The amount of expenses you can claim will depend on the length of time you have to be away from home or work in order to attend court. You can claim expenses only up to when the court says you are released. Ask the CPS representative, defence lawyer or court staff if you haven't already been given a claim form. If possible you will be paid within five to 10 working days from the CPS receiving your properly filled in claim form if you are a prosecution witness. Defence witnesses in the Crown Court will be paid within five working days. In some cases advance payments can be made. If you need help to fill in the forms, ask the Witness Service or a member of the court staff.