



Northern Ireland

Courts and
Tribunals Service

www.courtsni.gov.uk

Attending as a Witness in a Criminal Court



An Agency within

DOJ

Department of
Justice
www.dojni.gov.uk

serving the community
through the administration
of justice

serving the community through the administration of justice

This document can be made in a wide range of alternative formats. Requests should be made to Communications Group.

A brief outline of the criminal courts

Most criminal cases are heard in a magistrates' court. The district judge (magistrates' courts) listens to all the evidence and decides whether the person accused of the crime (the defendant) is guilty or not.

A lawyer from the Public Prosecution Service (PPS) presents the case for the prosecution. A solicitor or barrister represents the defendant although the defendant can put their own case to the court. If the defendant is found guilty (convicted), the district judge (magistrates' courts) decides the sentence.

If the defendant is not satisfied about being found guilty or about the sentence, they can appeal to the county court.

Here, a county court judge listens to the evidence and decides whether or not he or she agrees with the district judge's (magistrates' courts) conviction and the sentence.

Committal proceedings also take place in the magistrates' courts. Here, the district judge (magistrates' courts) only has to decide if there is enough evidence to send an accused person for trial to the Crown Court. The

district judge (magistrates' courts) does not decide whether the accused person is guilty or not.

The most serious cases are dealt with in the Crown Court.

Generally, in criminal cases if a defendant pleads not guilty, a jury of 12 men and women (members of the public) decides whether he or she is guilty or not.

Under the Justice and Security (Northern Ireland) Act 2007 a case may, however, be certified by the Director of Public Prosecutions (DPP) as a non jury case. This certification may be made where the DPP is satisfied that the administration of justice might be impaired if the trial were to be conducted with a jury and he suspects that one of certain specified conditions under the 2007 Act is met (e.g. the defendant is, or has been, a member of a proscribed organisation). In such cases only the judge decides whether the defendant is guilty or not.

In both types of case, only the judge decides the sentence. In certain circumstances, the defendant may appeal to the Court of Appeal.

Support at Court

The Northern Ireland Courts and Tribunals Service recognises the importance of creating an environment where all court users feel comfortable.

This is particularly important when dealing with those who have been called as witnesses in a case and victims of crime both of whom may feel vulnerable and in fear of intimidation.

With this in mind we have worked closely with our partners Victim Support Northern Ireland (VSNI) and the NSPCC to set up working practices and standards and to maximise the support services available in court.

VSNI operates the Witness Service (WS), which is a free and confidential service for witnesses and victims over 18 years of age and their families and friends.

NSPCC operates the Young Witness Service which is a free, independent and confidential service provided to children and young people under the age of 18 who have to attend court as witnesses. The service, which is provided by social work staff and trained volunteers, aims to assist children and young people and their parents/carers before, during and after any trial.

The witness services can arrange the following:

- The opportunity to talk to someone
- Pre-trial familiarisation visits to the courthouse
- Information on court procedures

Special Measures

If you feel particularly intimidated or vulnerable, the following special measures are currently available:

- Screening the witness from the accused
- Evidence by live link
- Evidence given in private
- Removal of wigs and gowns
- Aids to communication
- Video recorded evidence in chief

Intimidation of court users

We are committed to ensuring the safety of all court users and to eliminating the causes and potential causes of intimidation on court premises. If you need help please ask for the Court Administrator or other member of court staff.

Preparing for Court

For information on where the courthouse is, please see the list of names and addresses on pages 15 to 18 of this booklet. If you need any advice or directions, please ring the appropriate office and speak to the Customer Service Officer.

Take with you any papers you have about the case.

Leave enough time for your journey. You must come to court at the time on the summons.

Additional special arrangements for vulnerable victims and intimidated witnesses

Cases may be listed at times to facilitate the witness.

There will be special equipment available for use by witnesses e.g. screens, video links etc.

In Crown Court cases there may be the option of transferring the case to another court venue if the original venue poses a particular difficulty. In the first instance you should discuss this with whoever was responsible for bringing you to court.

When you arrive at court

You will be able to go into the court building from 9.00am each court day.

Refreshment facilities are available in all court venues.

If you need information or assistance when you arrive at court, supportive staff will be available at reception desks, information points and public counters which will be manned from 9.30am.

Tell the security personnel why you are there and they will tell you where to wait.

There will be clear signage in place.

Court lists will be on display from 9.30am each court day.

(You should note that cases are not always called in the order they appear on the list. If you need any information about the case please contact a court official who will help you).

Wherever you wait, you should listen carefully for either your name or the case that you are involved in to be called.

If you are giving evidence for the prosecution and you are worried about meeting the defendant or their friends, tell the security personnel, or contact the Witness Service when you arrive. Most court venues have a separate, secure, designated witness room where you can wait.

If you have made a statement and you want to see it again before you give evidence, please ask for a copy from the person who asked you to come to court.

There will be consultation rooms available if you need privacy.

Be prepared to wait a while before it is your turn to give evidence. You may want to take a book or magazine to read in the waiting area but you must not read them in the courtroom. You may take a friend with you to keep you company.

Some cases are delayed or even put off until another date for various reasons; for example, an earlier case may have lasted longer than expected or an important person involved in the case has not arrived.

If you are waiting a long time at court, please contact the security personnel who will find out what is happening with your case.

During the Court Case

Sometimes, a defendant pleads guilty on the day of the trial so you may be told at the last minute that your evidence is not needed.

Where does everyone sit?

The district judge (magistrates' courts) usually sits behind a raised bench, but in the youth court the district judge (magistrates' courts), where possible, will sit at the same level as other people. The witness box is normally to one side, near the front of the court. In the Crown Court, you will also see an area for the jury to sit. You may also see other people in court such as court clerks, police officers, probation officers, newspaper reporters and other members of the public.

You may sit anywhere in the public area of the courtroom. If you are not sure, please ask a court official or a security officer who will be on duty at the door.

Don't leave the courtroom or courthouse until you are told you are no longer needed or your particular case is finished.

If you have an important reason to leave early, tell the person who asked you to come before the case starts. It may sometimes be possible for you to give your evidence earlier than planned.

When you give evidence

When you are called to give your evidence you will be shown to the witness box. You can take any relevant papers you have brought with you into the witness box but you may not refer to them without the permission of the judge.

On entering the witness box, you will be told that you must take a religious oath, or, affirm (promise to tell the truth).

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 are a witness for the prosecution, they will ask you questions first. The defence will then ask some questions – this is called cross-examination. When the cross-examination for the defence has finished, the prosecution may ask you some more questions. The judge may also ask you questions at any time.

If you are a witness for the defence, the defendant's solicitor or barrister asks you the questions first and then the prosecution may ask you questions. Then the defence may ask you a few more questions. The judge may also ask you questions at any time.

Ask for the question to be repeated if you do not understand it or cannot hear.

Take your time, speak slowly and clearly.

If you are not sure of the answer, please say so.

You can ask the judge for guidance.

When you give your evidence you should talk to the judge or, if there is one, the jury. You should call the district judge (magistrates' courts) 'Your Worship', a county court judge 'Your Honour', and a High Court judge 'My Lord'.

After you have finished giving evidence you may be told that you are released. This means you are free to leave but you may stay and listen to the rest of the case if you want to. If you are not sure, you should ask the court clerk.

After the Trial:

The Witness Service will help prepare victims for the outcome of the case, they will encourage continued support with Victim Support Community Service and arrange referrals on to other agencies.

Expenses

When you have been asked to give evidence for the prosecution, you can claim expenses for travelling to court, for meals and lost wages. The Northern Ireland Courts and Tribunals Service is not responsible for calling witnesses to court or paying their expenses. The payment of expenses should be referred to the party who has summonsed you as a witness.

If you are appearing for the defence, you should ask the defendant's legal representative about expenses.

Contact Details

Witness Service

Laganside Witness Service:
028 9023 2523

Antrim Witness Service:
028 9448 8631

Craigavon Witness Service:
028 3834 3553

Downpatrick Witness Service:
028 4461 6233

Dungannon Witness Service:
028 8775 1550

Foyle Witness Service:
17 - 21 Bishop Street
Derry BT48 9PR
028 7127 9440

Magistrates Witness Service:
028 9023 2523

Useful addresses

Antrim Court Office
30 Castle Way
Antrim BT45 5DG
Phone: 028 9446 2661
E: antrimcourthouse@courtsni.gov.uk

Armagh Court Office
The Mall
Armagh BT61 9DJ
Phone: 028 3752 2816
E: armaghcourthouse@courtsni.gov.uk

Ballymena Court Office
Albert Place
Ballymena BT43 5BS
Phone: 028 2564 9416
E: ballymenacourthouse@courtsni.gov.uk

Bangor Court Office
6 Quay Street
Bangor BT20 5EA
Phone: 028 9147 2626
E: bangorcourthouse@courtsni.gov.uk

Belfast Combined Courts
Laganside Courts
Oxford Street
Belfast BT1 3LL
Phone: 028 9023 2721
E: csmlaganside@courtsni.gov.uk

Coleraine Court Office
46A Mountsandel Road
Coleraine BT52 1NY
Phone: 028 7034 3437
E: colerainecourthouse@courtsni.gov.uk

Craigavon Court Office
Central Way
Craigavon BT64 1AP
Phone: 028 3834 1324
E: craigavoncourthouse@courtsni.gov.uk

Downpatrick Court Office
English Street
Downpatrick BT30 6AB
Phone: 028 4461 4621
E: downpatrickcourthouse@courtsni.gov.uk

Dungannon Court Office
46 Killyman Road
Dungannon BT71 6FG
Phone: 028 8772 2992
E: dungannoncourthouse@courtsni.gov.uk

Enniskillen Court Office
East Bridge Street
Enniskillen BT74 7BW
Phone: 028 6632 2356
E: enniskillencourthouse@courtsni.gov.uk

Larne Court Office

Victoria Road

Larne BT40 1RN

Phone: 028 2827 2927

E: larnecourthouse@courtsni.gov.uk

Magherafelt Court Office

Hospital Road

Magherafelt BT45 5DG

Phone: 028 7963 2121

E: magherafeltcourthouse@courtsni.gov.uk

Newry Court Office

23 New Street

Newry BT35 6AD

Phone: 028 3025 2040

E: newrycourthouse@courtsni.gov.uk

Newtownards Court Office

Regent Street

Newtownards BT23 4LP

Phone: 028 9181 4343

E: newtownardscourthouse@courtsni.gov.uk

Old Townhall Building

80 Victoria Street

Belfast BT1 3FA

Phone: 028 9032 6260

Omagh Court Office

High Street

Omagh BT78 1DU

Phone: 028 8224 2056

E: omaghcourthouse@courtsni.gov.uk

Royal Courts of Justice
Chichester Street
Belfast BT1 3JF
Phone: 028 9023 5111
E: adminoffice@courtsni.gov.uk

Strabane Court Office
Derry Road
Strabane BT82 8DT
Phone: 028 7138 2544
E: strabanecourthouse@courtsni.gov.uk

Citizens' Advice
Regional Office
11 Upper Crescent
Belfast BT7 1NT
Phone: 028 9023 1120

Victim Support Northern Ireland
Annsgate House
70-74 Ann Street
Belfast BT1 4EH
Phone: 028 9024 4039

Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR
Phone: 028 9089 7100

Should you require any further information about the NI Courts and Tribunals Service please visit our website at www.courtsni.gov.uk or alternatively contact Communications Group

Northern Ireland Courts and Tribunals Service
Communications Group
Laganside House
23 - 27 Oxford Street
Belfast BT1 3LA

Phone: 028 9032 8594

Fax: 028 9072 8942

Textphone: 028 9041 2920

Email: communicationsgroup@courtsni.gov.uk

www.courtsni.gov.uk



INVESTORS
IN PEOPLE