



GUIDANCE LEAFLETS

CROWN OFFICE AND PROCURATOR FISCAL SERVICE SCOTTISH COURT SERVICE

JOINT STATEMENT ON CROWN WITNESSES

INTRODUCTION

The Crown Office and Procurator Fiscal Service and the Scottish Court Service are committed to upholding the principles set out in the Justice Charter for Scotland.

We have made public declarations of our standards in separate Charter Standard Statements.

We are committed to ensuring that only those witnesses whose evidence is likely to be required for the proof of the case are cited to give evidence in court and that those attending do not have to wait longer to give that evidence than is necessary for the proper conduct of court business.

Providing proper and efficient service and care to witnesses who attend court is a fundamental part of our commitment.

This statement sets out our shared and individual responsibilities in relation to Crown witnesses.

SHARED RESPONSIBILITIES

We share responsibilities to:

1. meet the standards set out in our respective Charter Standard Statements in relation to witnesses;
2. treat witnesses with courtesy and give a prompt response to their enquiries, including requests for information about case progress and disposal;
3. treat all witnesses fairly and give consideration to their interests whatever their race, sex, religion, age or any special need;
4. be particularly responsive to the needs of vulnerable witnesses including children, witnesses with learning difficulties, witnesses with physical disabilities, hearing impaired witnesses and witnesses who do not speak English as their first language;
5. co-operate in the provision of pre-trial visits to court for vulnerable witnesses;
6. co-operate in relation to sensitive cases and witnesses with special needs where special arrangements may be required;
7. when trials are being fixed, co-operate to ensure that regard is had to the commitments of witnesses, where these are known;
8. co-operate to ensure that witnesses at court are advised at least once every two hours of the progress of the cases; and
9. ensure that witnesses at court who are no longer required to give evidence are released as soon as possible and provided with an explanation for their release.

INDIVIDUAL RESPONSIBILITIES

Procurator Fiscal will:

1. give witnesses as much notice as possible of their requirement to attend Court and, in particular, in summary cases where the accused is not in custody, will endeavour to send citations to the Police for service no less than six weeks before the trial;
2. provide to each witness cited an explanatory leaflet about being a witness and, in particular, will provide special leaflets to child witnesses and

- witnesses with learning difficulties;
3. deal sympathetically with reasonable requests by witnesses to be excused;
 4. comply with the duty imposed on them by the Criminal Procedure (Scotland) Act 1995 section 257 to seek agreement of evidence unlikely to be disputed;
 5. in appropriate cases, serve statements of fact in relation to uncontroversial evidence, as provided by the Criminal Procedure (Scotland) Act 1995 section 258;
 6. provide foreign language interpreters and sign language interpreters where required;
 7. pay witness expenses promptly.

INDIVIDUAL RESPONSIBILITIES

Clerks of Court will:

1. ensure a clearly marked reception point for witnesses at Court;
2. ensure that witnesses' attendance at court is recorded and that witnesses are directed to the appropriate waiting room;
3. provide adequate, secure and comfortable accommodation for all witnesses, with access to a public telephone, sufficient clean toilet facilities and, where possible, refreshment facilities.

FURTHER INFORMATION

Further information on the Crown Office and Procurator Fiscal Service and the Scottish Court Service can be obtained from:

**Crown Office
25 Chambers Street
Edinburgh
EH1 1LA
Telephone: 0131 226 2626**

**Scottish Court Service
Hayweight House
23 Lauriston Street
Edinburgh
EH3 9DQ
Telephone: 0131 229 9200**