

SHERIFF COURT



Being a Witness



Going to Court

A booklet for adult witnesses in criminal and children's hearing court proceedings



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being a witness

Going to Court

A booklet for adult witnesses in criminal and children's hearing court proceedings.



The pictures used in this booklet have been taken from the Scottish Executive 'Being a Witness' CD-Rom – a guide for children and adult vulnerable witnesses.



A special thanks to everyone involved.



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Introduction

This booklet is for adult witnesses who may be called to give evidence in a court case.

In a criminal court case, witnesses may provide vital information about a possible crime.

In a children's hearing court case, witnesses may have important information about a child's welfare.

Nobody finds it easy to do something for the first time and you may be anxious about being a witness.

This booklet will help answer some of the questions you may have and will help you understand what happens at court.

The booklet will also tell you who can help you and what support may be available to you as a witness.

A glossary of some of the words used in court proceedings can be found at the back of this booklet.

What is a witness?

Being a witness is very important, whether this is in a criminal court case or in a children's hearing court case.

If you are a witness, it may mean that you:

- have been a victim of a crime;
- have seen or heard something in connection with a crime;
- have information about someone accused of a crime; or
- are involved, either directly or indirectly, in a children's hearing court case.

Witnesses play an essential role by giving information to the court. This information is known as the witness's evidence. The courts need witnesses to give evidence so that they can build up a picture of what has happened and reach a verdict or decision.



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You may have already given information in the form of a statement to the police or to a lawyer.

There are three different people who may call (or more formally known as 'cite') you to be a witness:

- The procurator fiscal (also known as the fiscal or prosecution lawyer)
- The defence or other lawyer
- The reporter to the children's panel.

Being a witness is very important. It's about telling the court the truth about what you know.

The courts cannot work well without the help of witnesses like you.

What support and assistance is available to you as a witness?

There are lots of people or organisations who can provide you with information about the court process and support arrangements to help you be better prepared for giving your evidence.

Talking to your family or a friend can sometimes help. There are lots of other people who can also help you:

- **Victim Support Scotland (VSS):** Staff and volunteers in your local community can help victims and their families and also some witnesses, even if there is no court case. They can arrange to come and see you at home or could arrange to meet you at a

VSS local office. If the case goes to court, VSS will work closely with the Witness Service who are based in the court.

- **The Witness Service:** This is a service provided by Victim Support Scotland in every High Court and sheriff court in Scotland. The staff and volunteers are there to give help and support to all witnesses and their families involved in criminal cases when they attend court. You may have spoken to someone from the Witness Service on the phone or met them during a visit to the court prior to the case starting.

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- **The police:** If you have given a statement to the police, they may be able to help you find out what's happening and will also try to answer your questions. The police have a presence in all courts to ensure public safety and will take seriously any reported allegations of intimidation.
- **The procurator fiscal:** If there is to be a trial and if the procurator fiscal decides to cite you as a witness, they will send you a letter about the court case and a leaflet explaining what will happen. In some cases, you may already have spoken to the procurator fiscal when they asked you questions about your evidence.
- **Victim Information and Advice (VIA):** People from VIA work with the procurator fiscal to provide information and advice to most victims of crime and some prosecution witnesses in certain types of cases. Only the procurator fiscal can refer someone to VIA. If VIA is involved with your case, they may have already sent you a letter and leaflets about the court process and will try to answer your questions about what is happening.
- **A lawyer:** If it is a defence lawyer who is citing you to be a witness, you should ask them for information about the court process. They will answer your questions and arrange the necessary support.
- **The children's reporter:** You may have already spoken to the children's reporter when they asked you to be a witness. They will answer your questions and arrange the necessary support.
- **A social worker:** Social workers assist people who need extra help or supervision. You may have had



contact with a social worker and they will listen to you and try to help you arrange the support you need.

- **Voluntary organisation:** You may already be in contact with another support organisation such as Scottish Women's Aid, Rape Crisis, Age Concern, and others.

It can often help to talk to someone who knows what is expected of you as a witness and who understands what the court process is like.

Please use the page at the back of this booklet to write down the contact names and telephone numbers of the people and agencies who are directly helping you.

Here are some other things you may be worried about:

Will I meet the accused or other parties involved in the case?

In criminal cases, if you are particularly concerned about entering the court building or being in the same waiting area as someone else, it may be possible for someone to meet you at the court building.

The Witness Service, a court official or someone from VIA may be able to arrange this. You may also be able to wait in a room away from other witnesses. However, it is not possible to guarantee that you will not meet other people involved in the case.

In children's hearing court cases, the children's reporter will be alert to witness's concerns and where necessary, will use separate waiting rooms to avoid meeting other people involved in the case.

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Will the public be able to listen to my evidence?

In criminal cases, the court will normally remain open and any member of the public can sit in the public gallery at the back of the courtroom and listen to the evidence being given, unless they are a witness and haven't yet given their own evidence.

However, the court will routinely be asked to consider closing the court to members of the public when any victim of an alleged sexual offence is giving their evidence. It is also possible that the court may consider closing the court for other witnesses if, for example, there is a known risk of intimidation or if the witness's evidence is likely to be particularly distressing.

In children's hearing court cases, certain people connected with the case have a right to attend.

Anyone else will be admitted only with the sheriff's permission.

You should always tell the police or court official about any intimidation either before or during the court case.

What if English is not my first language?

You may need an interpreter if English is not your first language. You may be able to speak some English but still have problems understanding all of the words. The person who cited you as a witness can arrange for you to get help from an interpreter. They will work with the court so that you get the help you need during the trial or other court proceedings.

What if I have a disability?

If you have a disability, communication difficulties or any other additional needs, you should tell the person citing you as a witness



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(the person who called you to court). Most courts routinely provide facilities to assist witnesses with limited physical ability. Most have wheelchair access and many have a 'loop system' for the hard of hearing.

It is important that you tell the person who cited you as a witness about anything you are unsure about or if you have any additional needs or concerns.

The court may consider some witnesses to be particularly vulnerable if the quality of their evidence will be affected by a mental disorder or by the fear or distress relating to giving their evidence.

Mental disorder can mean a mental illness or learning disability. Fear or distress can be caused by a number of different things.

If you think that you may be a vulnerable witness, you should discuss this with the person citing you (the procurator fiscal, the children's reporter or a lawyer in the case). They will discuss your circumstances with you and whether it is appropriate to make an application to the court for you to use special measures to help you give your evidence.

They will tell you more about what the court needs to consider and can give you a second booklet for particularly vulnerable witnesses called 'Being a Witness – The Use of Special Measures'.

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Court familiarisation visits

Most people feel better about being a witness if they know what to expect and have visited the court beforehand.

These visits will usually be arranged by VIA, the children's reporter or the defence lawyer.

The Witness Service routinely carry out familiarisation visits at court and at any other television link site to help anxious witnesses in criminal cases become more familiar with the court setting and proceedings. Other support organisations may also help with this.

You may prefer to look at an image of a courtroom on a CD-Rom, which also includes information on special measures for vulnerable witnesses and describes how they are used.

You can ask the person citing you as a witness to let you see the CD-Rom and to discuss arranging an actual visit to the court.

Courts and court proceedings



There are courts all over Scotland and they deal with different sorts of cases.

Criminal court proceedings:

- **Solemn proceedings**

These are the most serious criminal cases where there is a jury to decide the verdict. These cases can take place in the High Court or the sheriff court.

- **Summary proceedings**

These are criminal cases where there is no jury. It is the sheriff or magistrate who makes the decision. These cases can take place in the sheriff court or the district court.

In all criminal cases, the judge, or jury if there is one, will hear all the evidence and will reach a verdict about whether an accused person is guilty or not. If an accused is found guilty, the judge, sheriff or magistrate will make a decision about any sentence or punishment.

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You can read more about these court procedures in the leaflets from VIA (see www.crownoffice.gov.uk) or by asking for further information from the person who has cited you as a witness.

Children's hearing court proceedings

These are much less formal court proceedings. A children's hearing court case will take place in the sheriff court, but are sometimes held in a smaller room within the court building. There are no members of the public present, unless the sheriff allows it. There is no jury and it is always the sheriff who makes the decision.

In children's hearing court cases, the sheriff will hear all the evidence and will decide if something has happened or if the concerns about a child have been proved.

If the sheriff agrees with the children's reporter's case, it will be sent back to the children's hearing to decide what help is needed for the child. The sheriff does not decide what should happen; the children's hearing will decide this.

Because these cases involve children, unless you are a victim of an alleged offence by a child, you may not hear what the final outcome is.

Who is in the courtroom and what is their job?

In criminal court proceedings

- **The judge or sheriff:** The judge or sheriff is an expert in the law and is in charge of all court proceedings. They will ensure everything is done fairly within the law and that the court rules and legal procedures are followed. They also have a duty to protect the interests of all the people involved in the case, including the witnesses.
- **The procurator fiscal or advocate depute:** This is the prosecution lawyer who may have asked you to be a witness in a criminal court case. The procurator fiscal or advocate depute presents the prosecution case against the person charged with a crime. The prosecution has the 'burden of

proof' which means that they need to present enough evidence to prove 'beyond reasonable doubt' that an accused person is guilty. They will ask witnesses questions in court so that the witnesses can give their evidence in their answers.

- **Defence lawyer(s):** The defence lawyer or counsel acts on behalf of the accused and will test the evidence presented by the prosecution and put the accused's position to the court. They must look after the accused's interests at all times. If there is more than one accused person, there will be more than one lawyer in court and they may each ask a witness questions about their evidence. Sometimes the defence lawyer may be the person who asked you to be a witness.

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- **Jury:** In some cases, it is the jury who decides whether the law has been broken. In Scotland, there are 15 people on a jury. They are members of the public who will know nothing about the case before it starts. They will listen to the evidence and decide if the case against an accused person has been proven 'beyond reasonable doubt'.
- **The clerk of court:** This person is responsible for assisting the judge and keeping the court papers and records.
- **The court officer:** This person assists the court and lets the witnesses know when it is their turn to give their evidence. They may also be asked to show a witness different pieces of evidence, such as clothing, photographs or other items.
- **The accused:** This is the person who is charged with committing a crime.
- **Court police or security officers:** They will be there to make sure that everyone in the court is well behaved and safe.
- **The public:** Criminal courts are usually open to the public. Members of the public, over the age of 14, can sit in the public area at the back of the courtroom to watch and listen to the witnesses and lawyers. However, in some cases, the courtroom will be closed to members of the public.

The press are not excluded from any court, even if the courtroom is closed to the rest of the public. If the press decide to report on the case, they will not identify victims of any sexual offence.



In children's hearing court proceedings

- **The sheriff:** The sheriff is in charge of all court proceedings and is an expert in the law. He or she will ensure everything is done fairly within the law and that the court rules and legal proceedings are followed. They also have a duty to protect the interests of all the people involved in the case including the witnesses.
- **The children's reporter:** The children's reporter is the person who presents the children's hearing

court case and may have asked you to be a witness. They will ask questions in court so that all witnesses can give their evidence. They look after the child's interests but do not represent the child.

- **Safeguarder:** A safeguarder is an independent person who may be appointed to look after a child's interest. They may sometimes be present in a children's hearing court case and will try to make sure that whatever is decided is best for the child.

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- **Other people directly involved in the proceedings:** This may be the child, family or other relevant person(s) directly involved in the child's case and they will probably be in the courtroom.
- **Other lawyers:** There may be one or more other lawyers in the courtroom on behalf of other people directly involved in the child's case. They may ask questions about a witness's evidence. Sometimes, the lawyer may be the person who asked you to be a witness.

The public and press are not allowed into the children's hearing court proceedings unless the sheriff permits it. In most cases, the public and press are not allowed to be present.



How a court case is prepared

Criminal proceedings

The procurator fiscal makes an independent decision about whether a case should proceed to court. A case can only be taken to court if the procurator fiscal believes there is enough evidence that the crime was committed by the accused person. If the accused person pleads 'not guilty', there will be a trial and witnesses will be expected to give their evidence.

Children's hearing court proceedings

The children's reporter makes the independent decision about whether a case needs to go to a

children's hearing. A children's hearing case will then go to court if the people involved in the hearing do not agree about what has happened or if the child is too young to understand.

Precognition

When the procurator fiscal or defence lawyer is preparing a criminal case in solemn proceedings, he or she may send you a letter, also referred to as a 'citation' which asks you to attend a meeting at which a statement will be taken from you. The statement taken at this meeting is called precognition.

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If requested, a witness must give a precognition statement.

The reporter in a children's hearing court case usually relies on background reports and statements to prepare the case, but sometimes they may want to meet with you either for precognition or for general preparation.

There may be other lawyers who wish to speak to you, either on behalf of the accused or for another person involved in the case. This is a normal part of the preparation of a court case.

You can decide when and where you meet with the lawyers. If you have any questions about these meetings, you should discuss this with the person who has cited you as a witness.

In some cases, sometimes an accused person may not have a lawyer and may wish to interview witnesses. If this happens, and you are not sure what to do or are concerned about this in any way, you should speak to the person who has cited you to be a witness.



The court date

Before the court case, you will receive a citation or letter giving you a date for the case to start.

This citation is a formal notice to attend court as a witness. This must not be ignored.

It is important that you attend at the place and time indicated in the citation.

You should let the procurator fiscal, children's reporter or lawyer know immediately if there is some important reason why the date in the citation may be difficult for you, for example, if you are due to attend a hospital appointment on that date.

You should also contact them if you have any other questions or anxieties about the citation and the court appearance.

If you are cited as a witness, you must attend court.

In both a criminal and children's hearing court case, if you do not turn up, the court can issue you with a summons or issue a warrant for your arrest.

If you are worried about giving evidence, you should speak to the person who has cited you to be a witness.

Preparing for court – what you have to do

In many cases, the person accused of committing a crime pleads guilty so there is no need for witnesses to come to court to give their evidence. If the accused person pleads not guilty, there may be a trial and the court needs to hear evidence from witnesses like you.

Similarly in many children's hearing court cases all the parties may agree the facts and the case is settled. Where this does not happen the court will need to hear the evidence.

The judge or sheriff needs witnesses to give their evidence by answering questions, so the court can build up a picture of what has happened.

Without witnesses, the judge (or jury) will not know what has happened and will not be able to come to a full decision at the end of the case.

What if I am working?

To be a witness, you may need time off work. You should let your employer know in advance that you have been cited as a witness. If your employer is reluctant to give you time off work to attend court, you should tell the person who cited you to be a witness straight away. If you lose pay or earnings you can claim this money back from the procurator fiscal, reporter, or lawyer,

depending on who cited you, although there is a limit to how much you can claim.

What if I need childcare?

Children are not allowed into courtrooms unless they are a witness. There are no childcare facilities within the court buildings. If you do not have your own babysitter or child minder, you can contact your council or local social work department for a list of all the registered childcare facilities in your area. You will be able to claim some of these expenses from the person who cited you.

What should I wear?

There is no particular uniform or style of clothes for a witness. You should wear clothes that you feel comfortable in.

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The day of the court case

When you come to court you should bring your citation with you and show this to the person at reception. You will be asked to sit in the main witness waiting room, perhaps with other witnesses. The court officer will come and tell you when it is your turn to give your evidence.

Most witnesses come into the court building through the main public door. If you are particularly concerned about entering the court building or being in the same waiting area as someone else in the case, it may be possible in some courts for the Witness Service, VIA

or someone from the children's reporter's office or court official to arrange to meet you at a private entrance and let you wait in a different room.

Please ask the person citing you as a witness about this. Arrangements can be made in advance and everyone will do their best to help, although it is not possible to guarantee that you will not meet or see people involved in the case during the course of the trial or hearing.

Waiting

All children's hearing court cases have special timescales which apply to ensure the case is heard as quickly as possible.

All criminal cases are dealt with as quickly as possible but some criminal cases can take a long time to come to court. Even after you get a date, the case may be postponed for a number of different reasons. This may be unavoidable and some delays cannot be predicted. Witnesses and families can sometimes feel frustrated about any delays.

Sometimes problems can occur on the day, such as someone being ill.

You may then be asked to return on another day. The court will try to minimise the waiting time as much as they can.

If you are concerned about any delays, you should speak to the procurator fiscal, children's reporter or lawyer, depending on who is citing you to be a witness.

Even once the case starts, delays can occur and some witnesses may have to wait quite a long time before it is their turn to give evidence. It may be that the witness giving evidence before you is taking longer than expected.

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It is a good idea to bring something to help you pass the time such as a book or magazines. Some courts have a café or canteen and most have a vending machine for snacks or soft drinks. However, you should check this in advance as you may wish to bring a snack with you.

When the court case starts and you are waiting to give evidence, you must not discuss your evidence with any other witnesses involved in the case.

When you have finished giving your evidence, you cannot go back into the witness waiting room.

Identification

You may have already identified someone involved in the case before coming to court, for example at an identification parade. If so, you may not need to do it again when giving your evidence at court.

If you are worried about this, speak to the person who cited you as a witness. They will be able to advise you if there is anything else they can do.

However in some cases, you may need to identify at court the person you are being asked questions about. When you give your evidence you may be asked to look around the courtroom and point to the person if you see them.

Giving your evidence

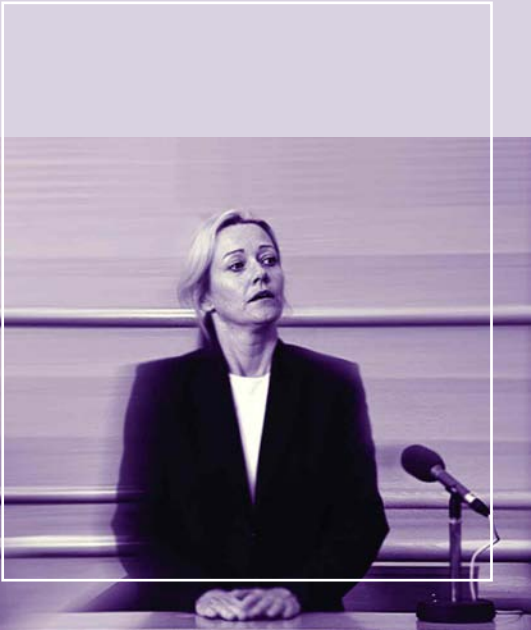
One by one, witnesses will give their evidence by telling the court what may have happened or what they may know.

To help you give your evidence you will be asked questions, usually by the procurator fiscal, lawyers or the children's reporter. The judge or sheriff may also ask you questions. They may ask you questions about something that may have happened to you or to someone else. Or they may ask you about something you may have seen or heard.

It is important to know that the law does not allow an accused person to ask a witness any questions if:

- **the accused has been charged with a crime involving a sexual offence; or**
- **in some other cases, if the court decides it is in the interest of a particularly vulnerable witness.**

Before you give your evidence, you will be asked to either repeat a religious oath or to agree that you promise to tell the truth. If you choose to take an oath, the court will take account of your religious beliefs.



The time it will take you to give your evidence will depend on how much information you have to tell the court and how many questions you are asked.

Examination and cross-examination

The procurator fiscal or children's reporter and each of the lawyers will all get a chance to ask questions to help you tell the court what you know, and to clarify your answers. This is known as examination and cross-examination.

You should listen carefully and try

your best to answer as accurately as you can.

As a witness, you must answer the questions truthfully and tell the court what you know.

Sometimes a question may be difficult to answer. You should remember that the court is experienced at hearing evidence from a range of witnesses and will understand that some questions may be more difficult than others. You should take your time and keep telling the truth.

It is extremely important that witnesses tell the truth at all times while giving evidence.

Witnesses who deliberately do not tell

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the truth may face criminal charges.

If you are concerned about what will happen to you if you tell the truth about someone, and feel nervous and anxious about giving your evidence, for any reason, please tell the person who cited you to be a witness.

Witnesses are normally expected to stand to give their evidence but you can ask to sit if you cannot stand for long periods because of age or health reasons. You can also make a request to the judge or sheriff to be seated at any time throughout the proceedings if you are becoming particularly uncomfortable.

When giving your evidence, you should try to speak clearly so that the judge or sheriff and lawyers can hear you properly and don't have to ask you to repeat anything.

In some cases, everything that

happens in the court is recorded on a tape. This is another reason to speak clearly. It also means you can't just nod or shake your head.

Normally you will be asked to confirm your name, but you may not have to state your current address, unless it is an essential part of the evidence, for example, if it is where an alleged crime took place. If, for any particular reason, you are concerned about the possibility of your address being read in court, talk to the person who cited you as a witness.

If you do not understand a question, it's okay to say you don't understand. Don't just guess. Ask the person to explain the question or say it differently so you can understand it properly. Likewise, if someone in the court has not understood your answer, you should let them know.

If you cannot answer a question



because you cannot remember something, please say so.

In all courts, the judge or sheriff has a duty to protect the interests of witnesses.

You are encouraged to refer to the judge or sheriff if you have any concerns about the tone or manner of questioning or about your own comfort.

You may wish to discuss how this can be done with the person who cited you as a witness.

Remember what you tell the

court must be your own evidence. The court needs to hear from you in your own words. Nobody should tell you what to say. You must tell the truth at all times when giving your evidence.

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After you have given your evidence

When the lawyers have finished asking you questions, the judge or sheriff will let you know that you are finished and can leave.

You are then finished being a witness and should not have to come back.

In children's hearing court cases, if the case is about your child and you are a relevant person, you will be entitled to remain present during the proceedings. You can clarify this with the children's reporter.

In criminal cases, if you have finished giving your evidence, you may want to go into the public gallery of the courtroom to listen to the rest of the court case. Please remember that sometimes the court clears the public area when some witnesses are giving their evidence. You should always check with the court staff whether you are allowed into the public area after you have given your evidence.

The end of the court case

It is never possible to predict how long each court case will last. Some cases last only one day, others can go on for several days, weeks or much longer. It usually depends on how many witnesses there are and how long each witness takes to give their evidence.

When the evidence of all witnesses has been heard, the judge/sheriff (or jury) must reach their verdict or make their decision.

In a criminal case, these are the possible verdicts:

- **Guilty** means that the evidence has been enough to prove

‘beyond reasonable doubt’ that the accused person committed the crime or part of the crime. The judge will then be asked to consider any sentence or punishment.

- **Not proven or not guilty** means there was not enough evidence to prove the case ‘beyond reasonable doubt’, or that there were other special reasons why the accused was not found guilty. Both these verdicts have the same effect and mean that the accused will be excused from the court and will be free to leave and cannot be tried again for the same offence.

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In a children's hearing court case, the sheriff will decide what has been proven, whether grounds have been established and whether the case should be returned to the children's hearing for disposal. If the case is returned to the children's hearing, they will decide what happens after that.

In criminal cases, someone will let you know the final outcome.

In children's hearing court cases, where a child's privacy is protected, this information may be more limited.

If you would like to talk to someone or to have an explanation of a particular decision or sentence, you should contact the procurator fiscal/VIA, the children's reporter or the lawyer, depending on who cited you. They will give you as much information as they are allowed to.

If you are claiming expenses, you will find all the details on the back of your citation. When you have completed this, you can claim from the person who cited you as a witness. This may be your local procurator fiscal, children's reporter or defence lawyer. Sometimes you can claim at the local court.

Other help available

Criminal Injuries Compensation

Claims: If you have been the victim of a crime of violence you may want to consider an application for criminal injuries compensation.

You can get a claim form by contacting:

The Criminal Injuries Compensation
Authority (CICA)
Tay House
300 Bath Street
Glasgow
G2 4LN
Telephone: 0141 331 2726

If you need help in completing the form, you can ask your local Victim Support office or a lawyer.

Victim Notification Scheme: If you have been the victim of a crime and if the accused has been sent to prison for four years or more, you will be eligible to take part in the Victim Notification Scheme. This scheme provides information to victims and families about when an accused person is due to be released from prison. If you are eligible, you will receive a letter and leaflet about this from VIA.

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Victim Support Scotland: In all cases, you may find it helpful to talk to the local support services. The Victim Support Scotland helpline can put you in touch with your local office, Tel: 0845 603 9213.

You can find out more about these local services from the Witness Service or VIA.

Scottish Prisoner's Families

Helpline: If you are related to an accused person who may be sent to prison and you need information or a listening ear for support, you can contact the freephone Helpline on 0500 83 93 83.

Any other questions or comments

You should make sure you have all the information you need before the date of the court case. For example, check that you know where the court building or television link room is and how you are going to get there.

It may help you to write down any questions you have about being a witness, so you can discuss these with the procurator fiscal/VIA, lawyer, children's reporter or with the person who shows you around the court.

Use the note page at the back of this booklet to write down any questions you may have.

You may also wish to give some feedback about how the services helped you and how they could be improved.

If you have any comments that you feel may help other witnesses in the future, please let the procurator fiscal/VIA, the children's reporter or the lawyer know.

The Witness Service may also invite you to give your comments.

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Things to remember

All of the people involved in bringing the case to court will understand that it may be a difficult time for you. Please talk to them about your concerns and fears. They are there to help you.

- If you have any questions about the content of this booklet or anything else you are not sure about, please speak to the person who cited you to be a witness.
- If you have not already been offered a court visit, ask for one soon.

Your most important task as a witness is to tell the court the truth about what you may know.

Thank you

Useful contact names and numbers

Police Officer:

Children's Reporter:

Lawyer:

Witness Service:

Procurator Fiscal:

Victim Information and Advice (VIA):

Victim Support Scotland:

Other Organisation/Agency contact:

Glossary

In court, people use lots of words that you may not be familiar with. Here is a list of some of them:

accused

a person on trial who has been charged with breaking the law.

advocate depute

a prosecution lawyer works for the Crown Office and appears in the High Court - see procurator fiscal.

affirmation

a promise to tell the truth (see oath).

allegation

something that someone says has happened.

charge

the crime that the accused person is on trial for.

children's hearing

this is when the children's panel, family, child and other people meet to discuss the concerns about a child which have been proved at court.

children's hearing court case

the legal action at court when witnesses give evidence in support of, or against, the reporters' case which has to be proved or agreed before any children's hearing can take place.

children's reporter

the person who presents the children's hearing court case and requests witnesses to attend. They ask questions in court and look after a child's interest but do not represent the child.

citation

the official form or letter that tells a witness to go to a particular court on a certain date.

clerk (of court)

the person who keeps the court papers and records.

committing a crime

the same thing as breaking the law.

complaint

a statement accusing someone of breaking the law - it can also be a court document describing the crime the accused is on trial for.

being a witness

Going to Court

cross-examination

being questioned by the other lawyer(s) after questioning by the person who has asked the witness to come to court - see examination (in-chief).

Crown Office

the place in charge of bringing cases to court - also known as the prosecution.

court case

an individual trial or action in court.

court officer (sometimes called a macer)

a person who helps the judge in practical matters, e.g. they also call each witness into court.

court familiarisation visit

a visit to the court before the court case to allow a witness to see what a court looks like and learn more about court procedures.

defence lawyer/defence counsel

a lawyer who represents the accused person and helps the accused in court.

evidence

what a witness says in court - it can also be things like photographs, clothes or drawings that are brought to court to show what happened. See productions.

examination (in-chief)

being questioned by the lawyer who has asked the witness to come to court. This lawyer asks the witness questions first, before any other lawyers - see cross-examination.

identification

when a witness points out the person he or she has been talking about - this sometimes happens before the court case starts or it can happen in court.

indictment

a court document in the High Court or sheriff and jury court - it describes the crime that the accused is on trial for.

judge

the person in charge of a trial in the High Court and in control of what happens in the courtroom - see sheriff.

jury

fifteen men and women (jurors) who listen to the evidence and decide if an accused person is guilty or not.

oath

the religious promise a witness makes that they will tell the truth when they give evidence in court - a witness can also promise to tell the truth without the oath (see affirmation) - you can ask about this.

being a witness

Going to Court

plea

the answer the accused gives to the court at the beginning of a trial when he/she is asked if he/she is guilty or not guilty.

precognition

an interview of a witness by the procurator fiscal, children's reporter or defence lawyer(s) to help them prepare before the court case.

procurator fiscal

a lawyer who works for the prosecution - see Crown Office. They make the decisions about bringing a case to court.

prosecution

taking legal action against someone and bringing a case to court - see procurator fiscal and Crown Office.

productions

things which are shown in court as evidence like letters or clothes.

safeguarder

an independent person appointed to look after a child's interests.

sentence

the judge's decision after the accused is found guilty of breaking the law - this might be a punishment given to the accused.

sheriff

the name for a judge in the sheriff court.

social worker

a person who works with children and adults when they may need extra help or supervision.

special measures

different ways to help a child witness or adult vulnerable witness give evidence, e.g. a TV link or a screen - also see support person.

statement

a note or recording made by the police of what the witness has said.

support person

a person who can stay with a witness when they are giving evidence - see special measures.

trial

the legal proceedings at court when witnesses come to give evidence in a criminal case.

verdict

the decision reached at the end of a trial.

witness

a person who may have information about something and is asked to tell the court about it - see 'evidence'.

being a witness

Going to Court

Your notes

Further copies of this document are available, on request, in audio, large print format and in community languages. Please contact 0131 244 2213.

اس دستاویز کی مزید کاپیاں آڈیو کیسیٹ پر اور بڑے حروف کی چھپائی میں اور کمیونٹی کی زبانوں میں طلب کیے جانے پر دستیاب ہیں، برائے مہربانی اس پتہ پر رابطہ کریں:

এই ডকুমেন্ট-এর (দলিল) অতিরিক্ত কপি, অডিও এবং বড়ো ছাপার অক্ষর আকারে এবং সম্প্রদায়িক ভাষায় অনুরোধের মাধ্যমে পাওয়া যাবে, অনুগ্রহ করে যোগাযোগ করুন:

Gheibhear lethbhreacan a bharrachd ann an cruth ris an èistear, ann an clò mòr agus ann an cànan coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागज़ात की और प्रतियाँ, माँगे जाने पर, ऑडियो टेप पर और बड़े अक्षरों में तथा कम्प्यूनिटी भाषाओं में मिल सकती हैं, कृपया संपर्क करें:

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