

	<p>MILITARY COURT SERVICE</p> <p>APPLICATION FOR A SPECIAL MEASURES DIRECTION</p> <p><i>(The Armed Forces (Court Martial) Rules 2006, Chapter 6)</i></p>
Name of defendant:	
Court:	
Case reference number:	
Charges:	

Application By:

	The Prosecutor
	The Defendant

Part A: Information about this application

A1	Do you want a hearing of this application ?	Yes	No
<i>If Yes, please explain why.</i>			

A2	Is this application late ?	Yes	No
<i>If Yes, please explain why.</i>			

A3	Have you applied for a special measures direction for this witness in this case before ?	Yes	No
<i>If Yes, please give details and explain what has changed since then.</i>			

Part B: Information about the witness

B1	Witness Details
Name of witness:	
Date of Birth:	

B2	Explain how the witness is eligible for assistance. Tick the category. If the witness is eligible because of disability , or fear or distress , give details and explain why the quality of the witness's evidence is likely to be diminished because of that.
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Youth	
Disability	
Fear or Distress	
Sexual offence	
Weapons offence	

B3	Explain why special measures would be likely to improve the quality of the witness evidence ?

B4 Which measure(s) would be likely to maximise, so far as practicable, the quality of the witness' evidence ? Tick what you propose.

Screening witness from defendant	<input type="checkbox"/>	
Evidence by live link	<input type="checkbox"/>	Complete Part C
Evidence in private	<input type="checkbox"/>	Complete Part D
Removal of wigs and gowns	<input type="checkbox"/>	
Video recorded interview as evidence in chief	<input type="checkbox"/>	Complete Part E1
Video recorded cross examination	<input type="checkbox"/>	Complete Part E2
Intermediary	<input type="checkbox"/>	Complete Part F
Aids to communication	<input type="checkbox"/>	Complete Part G

B5 What has been done to help the witness express an informed opinion about special measures? Care must be taken to explain to the witness (a) what is meant by special measures, (b) what measure(s) may be available, and (c) what they would involve for the witness.

B6	What views has the witness expressed about: (a) their eligibility, (b) whether special measures would be likely to improve the quality of their evidence and (c) the measure(s) that you propose ? The views, concerns and requests expressed by the witness, or on their behalf, must be set out in detail.

Part C: Evidence by live link

C1	Do you want the witness to give evidence: Tick which you propose:
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Using the court's own live link ?	<input type="checkbox"/>
From somewhere else ?	<input type="checkbox"/>

If you want the witness to give evidence by live link from somewhere else, answer question **C2**

C2	Explain why you want the witness to give evidence from somewhere else. Give the address from which you propose the witness should give evidence unless you want the court to direct that the address need not be revealed.
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C3	Who do you propose should accompany the witness while they give evidence? Give that person's name, if known, and relationship to the witness (if any).
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C4	Why would that person be an appropriate companion for the witness ? Include the witness own views.

Part D: Evidence in private

D1	Explain on what grounds you would want the witness to give evidence in private.

Part E1: Video recorded interview as evidence in chief

E1.1	When was the interview ? (date)	
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E1.2	Was the interview conducted through an intermediary ? <i>If Yes, please complete part F</i>	Yes	No
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E1.3	Was any aid to communication used in conducting the interview ?	Yes	No
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<i>If Yes, please give details</i>	
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E1.4	How long is the full version of the recording ? (hours minutes)	
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E1.5	Has the edited version been prepared for use in evidence ?	Yes	No
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E1.6	When did you serve:		
	(a) the full version: (date)		
	(b) the edited version: (date if any)		

E1.7	Do you want the court's permission for the witness to give evidence in chief otherwise than by means of the recording ?	Yes	No
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<i>If Yes, please explain why</i>	
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Part E2: Video recorded cross examination

E2.1	Why would playing a video recording of the cross-examination and re-examination of the witness, as well as playing a video recording of an interview of the witness as the witness's evidence in chief and with or without any other special measure(s), be likely to maximise so far as practicable the quality of the witness's evidence?
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E2.2	Location Do you want the witness to be cross-examined while the witness is (tick the box that applies):
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In the court's own live link room ?	<input type="checkbox"/>
In another court building ?	<input type="checkbox"/>
Somewhere else ?	<input type="checkbox"/>

E2.3	If you want the witness to be cross-examined while somewhere else please provide the address from which you want the witness to take part.

E2.4	Please explain why you want the witness to be cross-examined from this location.

If you wish, you may give the address in a confidential supplement to this form and send that supplement to the court only.

E2.5	Have you given the address in a confidential supplement ?	Yes	No
<i>If No, please answer the next three questions:</i>			
What is this place ?			

E2.6	Will that place be somewhere where the witness will not be interrupted or overheard ?	Yes	No
<i>That place will be temporarily an extension of the court room while the cross-examination is taking place. If you have answered No. Please explain what will be done to make the place suitable ?</i>			

E2.7	Is there any time limit on the use of the place ?	Yes	No
<i>If Yes, what is it ?</i>			

E2.8	Companion - Do you want any of the following to be with the witness while they are cross-examined ?
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An intermediary (if appointed. See also section F below)	
An independent domestic violence advisor or an independent sexual violence advisor	
Another witness companion	

E2.9	If so - who will that person be ? Please give their name and relationship (if any) to the witness

E2.10	Explain why a proposed companion would be appropriate. Include the witness's own views.

Part F: Intermediary

F1	Describe the witness communication needs, and proposed arrangements for questioning the witness ? <i>Attach any relevant report, including an intermediary's assessment if available. 'Ground rules' for questioning must be discussed between the court, the advocates and the intermediary before the witness gives evidence, to establish (a) how questions should be put to help the witness understand them, and (b) how the proposed intermediary will alert the court if the witness has not understood or needs a break.</i>

F2	Is the proposed intermediary registered with the Ministry of Justice Intermediaries Registration Board ?	Yes	No
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F3	Give the proposed intermediary's name and (if relevant) occupation, skills and professional qualifications.		

F4	Is the intermediary known, or related to the witness ?	Yes	No
<i>If Yes, please give details</i>			

F5	Has the intermediary been used in any other part of the investigation or pre-trial preparation ?	Yes	No
<i>If Yes, please give details</i>			

F6	Where a video recorded interview was conducted through an intermediary, was that intermediary the person named above ?	Yes	No
<i>If No, please attach an additional Part F in respect of that intermediary, giving the details required by questions F2, F3, F4 and F5</i>			

F7	Did that intermediary make a declaration ?	Yes	No
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Part G: Aids to communication

G1	What device is proposed as a communication aid ?		
G2	Might the use of the device affect the conduct of the trial ?	Yes	No
<i>If Yes, please give details</i>			

Part H: Supporting material

H1	Have you included with this application any other material?	Yes	No
<i>If Yes, list it here</i>			

Signed:	
Date:	

