

Appearing as a Witness in Court

This leaflet aims to give background information to anyone who has been asked to go to court to give evidence in a prosecution brought by Derbyshire County Council's Trading Standards Service.

We recognise that giving evidence in court can be a worrying experience, particularly if it is your first time and you don't know what to expect.

We try to avoid the need for witnesses to come to court wherever we can but in cases where the defendant pleads not guilty, there will be a trial and you will be asked to attend.

The investigating officer from Trading Standards will be your main point of contact for any queries about the case. This is likely to be the person who asked you to attend court in the first place. They will give you their contact details in case of any queries.

Preparing to come to court

You may find it helpful to bring the following if you have to come to court as a witness:

- A friend or relative to support you.
- Any information you have about the case.
- The letter asking you to come to court.
- Something to read or do – you may have to wait some time before you give evidence.
- Money to cover costs on the day, such as car parking or refreshments.

There will be a member of Trading Standards present when you get to court.

Claiming expenses

Witnesses can claim their expenses so please keep receipts or records of money you have spent. These expenses can include travel to the court, essential childcare, or loss of earnings. You will be given a claim form to record any expenses.

The Citizens Advice Witness Service

The Citizens Advice Witness Service offers free, independent support for witnesses in every court in England and Wales.

Their trained volunteers provide practical information about the process, as well as emotional support to help you feel more confident when giving evidence.

You can get further information about the Witness Service online at;
www.citizensadvice.org.uk/about-us/citizens-advice-witness-service/

Giving evidence

Courts have a legal requirement to make sure witnesses have a separate waiting area and seat in the courtroom away from the defendant's family, where possible.

They will also try to make sure that you do not have to wait more than two hours to give evidence. You will not be allowed into the court room to observe the trial until you have given your evidence.

When you are called into the courtroom the following things will happen:

1. You will be shown to the witness box
2. You should stand up, but if you find standing difficult, you can ask the magistrate or the judge if you can sit down
3. You will be asked to take the oath. This means you have to swear to tell the truth on the holy book of your religion. If you prefer, you can "affirm", that is, to promise to tell the truth.
4. As you are a witness for the prosecution the Prosecutor will ask you questions first, then the defence will ask you questions. This is known as cross-examination.

Although it can be worrying, cross-examination is an essential part of our justice system. It is important to remember:

- **It isn't personal:** it's the lawyers' job to make sure you have not made a mistake.
- **You are not on trial:** The lawyers are not trying to make people think you are stupid, or call you a liar. If the questions become too aggressive, the lawyer who called you as a witness has a right to ask the judge or magistrates to change their style of questioning. The judge or magistrates can also ask the lawyer to stop the questions.
- **The law in England and Wales is based on the idea that a defendant is innocent until proven guilty:** Cross-examination tests your evidence to make sure it really proves something.

You may also be asked questions by a magistrate, the clerk or the judge. In the Crown Court the jury can write down questions for the judge to read out.

Once you have given your evidence, the court will tell you that you may leave the witness box. You may be told that you are released, this means that you can leave. You may be asked to stay after you have given evidence if something new comes up. You can stay and listen to the rest of the case if you want to.

When both the prosecution and the defence have presented their evidence, the Prosecutor and the defence lawyer will summarise the evidence from their point of view and present arguments to support their case. This is called 'closing arguments' or 'summing up'. Then, depending on where the case is heard, the jury (in Crown Court), the magistrates or the district judge (magistrates' court) will then decide whether or not the defendant is guilty.

If you are not in court to hear the result, a member of staff from Trading Standards will tell you the outcome of the case. If there is any publicity surrounding the verdict, you may be asked if you want to speak to the media. This is purely voluntary but it can help to warn the public and / or advise businesses about the law.

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

To ensure that you are looking at the most up-to-date version of this leaflet, please visit our website at

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/business/trading-standards/business/appearing-as-a-witness-in-court.pdf>

or telephone us on 01629 536166.