

*These notes relate to the Criminal Justice and Licensing (Scotland)
Act 2010 (asp 13) which received Royal Assent on 6 August 2010*

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - Disclosure

Section 137 – Further duty of prosecutor: convicted persons

617. This section sets out the prosecutor's duty of disclosure in cases where the accused is convicted and does not appeal that conviction. It provides that, if, after the conclusion of the proceedings the prosecutor becomes aware of information that should have been disclosed in terms of sections 121 or 123 then, as soon as practicable after becoming aware of it, the prosecutor must disclose it to the convicted person. Subsection (3) provides that, if the convicted person appeals, then this section does not apply as the disclosure duties during an appeal are provided elsewhere. Subsection (4) provides that the prosecutor is not required to disclose anything that has already been disclosed. Subsection (5) provides that the section does not place a requirement on the prosecutor to proactively review the information of which he or she is aware.