

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 **- Disclosure**

Section 160 *– Means of disclosure*

690. This section provides that the prosecutor may disclose information by any means including allowing the information to be viewed by the accused at a reasonable time and in a reasonable place. The provision is designed to make clear that the means of disclosure is entirely a matter for the prosecutor's discretion. It will ensure that it is open to the Crown to fulfil its disclosure obligations through provision of a narrative detailing the information.
691. Subsections (
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) to (
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) address the disclosure of statements. In summary proceedings the prosecutor need not disclose the statements themselves and is only obliged to disclose the information within the statements which meet the disclosure test. In both summary and solemn proceedings the same is true for precognitions, victim statements and statements given by a person whom the prosecutor does not intend to call to give evidence.
692. Subsections (
6
) and (
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) provide that in solemn proceedings, the prosecutor must disclose a copy of the statement of a witness whom he intends to lead in evidence, or a statement of a witness that the prosecutor intends to have admitted in terms of section 259 of the 1995 Act. 'Copy' should be read as meaning a typescript version of the statement rather than a photocopy of the actual manuscript version. In summary proceedings, subsections (4) and (5) provide that such statements need not be disclosed to the accused.