



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

#### *Applications and reviews: general*

#### **158 Applications and reviews: general provisions**

- (1) Subsection (3) applies in relation to—
  - (a) an application for an order mentioned in subsection (2), and
  - (b) a review relating to such an order.
- (2) The orders are—
  - (a) a non-notification order,
  - (b) an exclusion order,
  - (c) a section 145 order,
  - (d) a restricted notification order,
  - (e) a non-attendance order,
  - (f) a section 146 order.
- (3) Except where it is impracticable to do so, the application or review is to be assigned in accordance with subsection (4).
- (4) The application or, as the case may be, review is to be assigned—
  - (a) if the proceedings against the accused to which the application or review relates are continuing (or have concluded and there are no appellate proceedings), to the same justice of the peace, sheriff or, as the case may be, judge as has been (or is to be or was) assigned to the trial diet in those proceedings,
  - (b) if the appellate proceedings to which the application or review relates are continuing, to the same judge as has been (or is to be) assigned to those proceedings.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The accused, appellant or, as the case may be, other person to whom the order relates is not entitled to see or be made aware of the contents of an application for—
- (a) an order mentioned in subsection (2),
  - (b) a review relating to such an order made by the prosecutor, the Secretary of State or special counsel.
- (6) In this section, “appellant” and “appellate proceedings” have the meanings given by section 132.
- (7) The reference in subsection (4)(a) to proceedings against the accused includes a reference to an appeal by the prosecutor against an acquittal.