



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Prosecutor's duty to disclose information

123 Continuing duty of prosecutor

- (1) Subsection (2) applies where the prosecutor has complied with section 121(2)(b) in relation to an accused.
- (2) During the relevant period, the prosecutor must—
 - (a) from time to time review all the information that may be relevant to the case for or against the accused of which the prosecutor is aware, and
 - (b) disclose to the accused any information to which section 121(3) applies.
- (3) As soon as practicable after complying with subsection (2) in relation to an accused who falls within section 121(1)(a) or (b), the prosecutor must disclose to the accused details of any other information that may be relevant to the case for or against the accused of which the prosecutor is aware.
- (4) The prosecutor need not disclose under subsection (3) details of sensitive information.
- (5) In subsection (2)—

“relevant period” means the period—

 - (a) beginning with the prosecutor’s compliance with section 121(2)(b) in relation to an accused, and
 - (b) ending with the conclusion of the proceedings against the accused,

“sensitive” has the meaning given by section 122(4).
- (6) For the purposes of subsection (5), proceedings against an accused are to be taken to be concluded if—
 - (a) a plea of guilty is recorded against the accused,

Status: This is the original version (as it was originally enacted).

- (b) the accused is acquitted,
- (c) the proceedings against the accused are deserted simpliciter,
- (d) the accused is convicted and does not appeal against the conviction before the expiry of the time allowed for such an appeal,
- (e) the accused is convicted and appeals against the conviction before the expiry of the time allowed for such an appeal,
- (f) the proceedings are deserted *pro loco et tempore* for any reason and no further trial diet is appointed, or
- (g) the indictment or complaint falls or is for any other reason not brought to trial, the diet is not continued, adjourned or postponed and no further proceedings are in contemplation.