



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Disclosure after conclusion of proceedings at first instance

138 Further duty of prosecutor: appeal against acquittal

- (1) This section applies where—
 - (a) the prosecutor appeals against the acquittal of a person, and
 - (b) after lodging the appeal the prosecutor becomes aware of information which relates to the appeal and falls within section 133(3).
- (2) As soon as practicable after becoming aware of the information the prosecutor must disclose it to the person.
- (3) The prosecutor need not disclose under subsection (2) anything that the prosecutor has already disclosed to the person.
- (4) The prosecutor ceases to be subject to the duty imposed by subsection (2) on the disposal of the appeal by the High Court of Justiciary.
- (5) Nothing in this section requires the prosecutor to carry out a review of information of which the prosecutor is aware.

Commencement Information

II S. 138 in force at 6.6.2011 by [S.S.I. 2011/178](#), art. 2, [Sch.](#) (with [Sch.](#))

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 138.