



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

#### *General*

#### **160 Means of disclosure**

- (1) This section applies where by virtue of this Part the prosecutor is required to disclose information to an accused.
- (2) The prosecutor may disclose the information by any means.
- (3) In particular, the prosecutor may disclose the information by enabling the accused to inspect it at a reasonable time and in a reasonable place.
- (4) Subsection (5) applies if the information is contained in—
  - (a) a precognition,
  - (b) a victim statement,
  - (c) a statement given by a person whom the prosecutor does not intend to call to give evidence in the proceedings, or
  - (d) where the proceedings relating to the accused are summary proceedings, a statement given by a person whom the prosecutor intends to call to give evidence in the proceedings.
- (5) In complying with the requirement, the prosecutor need not disclose the precognition or, as the case may be, statement.
- (6) Subsection (7) applies where the proceedings relating to the accused are solemn proceedings and—
  - (a) the information is contained in a statement given by a person whom the prosecutor intends to call to give evidence in the proceedings, or

---

*Changes to legislation:* There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 160. (See end of Document for details)

---

- (b) the information is contained in a statement and the prosecutor intends to apply under section 259 of the 1995 Act to have evidence of the statement admitted in the proceedings.
- (7) In complying with the requirement, the prosecutor must disclose a copy of the statement (but subsections (2) and (3) continue to apply).
- (8) This section is subject to any provision made by an order under section 145(7), 146(11), 155(6) or 156(6).
- (9) In this section—
- [<sup>F1</sup> “accused” includes—
    - (a) appellant or, in any case relating to section 136(2), 137(2) or 138(2), other person to whom the section concerned applies, and
    - (b) respondent,]  - “appellant” has the meaning given by section 132.
  - [<sup>F2</sup> “respondent” has the meaning given by section 140A. ]

#### Annotations:

#### Amendments (Textual)

- F1** Words in s. 160(9) substituted (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\)](#), s. 17(3), [Sch. para. 31\(a\)](#); [S.S.I. 2011/365](#), art. 3
- F2** Words in s. 160(9) inserted (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\)](#), s. 17(3), [Sch. para. 31\(b\)](#); [S.S.I. 2011/365](#), art. 3

#### Commencement Information

- I1** S. 160 in force at 6.6.2011 by [S.S.I. 2011/178](#), art. 2, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 160.