These notes relate to the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) which received Royal Assent on 6 August 2010

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - Disclosure

Section 158 – Applications and reviews: general provisions

688. This section sets out the procedure for dealing with applications, appeals and reviews of the section 145 and 146 orders and ancillary orders thereto. Subsections (3) and (4) provide that such matters must where practicable be assigned to the judge assigned to the trial or appeal to which the application relates. Where proceedings are not live the matter should where practicable be assigned to the judge who presided at the trial. The same sheriff or judge who made the section 145 or section 146 order and performed the balancing exercise is then best placed to consider any review of that order in light of the information. Subsection (5) provides that the accused is not entitled to see or be made aware of the contents of the application for such orders.