



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

[^{F1}Court rulings on disclosure: 2011 Act proceedings

[^{F1}140E Application by respondent for ruling on disclosure

- (1) This section applies where the respondent—
 - (a) has made a further disclosure request under section 140D, and
 - (b) considers that the prosecutor has failed, in responding to the request, to disclose to the respondent an item of information falling within section 140B(3) (the “information in question”).
- (2) The respondent may apply to the court for a ruling on whether the information in question falls within section 140B(3).
- (3) An application under subsection (2) is to be made in writing and must set out—
 - (a) a description of the information in question, and
 - (b) the respondent's grounds for considering that the information in question falls within section 140B(3).
- (4) On receiving an application under subsection (2), the court must appoint a hearing at which the application is to be considered and determined.
- (5) However, the court may dispose of the application without appointing a hearing if the court considers that the application does not—
 - (a) comply with subsection (3), or
 - (b) otherwise disclose any reasonable grounds for considering that the information in question falls within section 140B(3).
- (6) At a hearing appointed under subsection (4), the court must give the prosecutor and the respondent an opportunity to be heard before determining the application.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 140E. (See end of Document for details)

- (7) On determining the application, the court must make a ruling on whether the information in question, or any part of the information in question, falls within section 140B(3).
- (8) In this section and in section 140F, “the court” means the High Court.
- (9) Except where it is impracticable to do so, the application is to be assigned to the judge or judges who are to hear the 2011 Act proceedings.]

Textual Amendments

- F1** Ss. 140A-140F and cross-headings inserted (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\)](#), **ss. 13(2)**, 17(3); S.S.I. 2011/365, art. 3 (with arts. 4, 5)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 140E.