

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the statutory scheme regarding the disclosure of information given to, or obtained by, the prosecutor in connection with criminal proceedings, as provided for by Part 6 of the Criminal Justice and Licensing (Scotland) Act 2010 (“the Act”).

Sections 117 to 120 of the Act make provision in connection with the provision of information by investigating agencies to the prosecutor. Section 117(4) of the Act provides that investigating agencies are a police force or such other persons who engage, to any extent, in the investigation of crime or sudden deaths and submit reports relating to those investigations to the procurator fiscal as the Scottish Ministers may prescribe by regulations.

Section 164 of the Act provides that the Lord Advocate must issue a code of practice providing guidance about Part 6 of that Act. Section 164(3) of the Act provides that police forces, prosecutors and such other persons who engage, to any extent, in the investigation of crime or sudden deaths and submit reports relating to those investigations to the procurator fiscal as the Scottish Ministers may prescribe by regulations must have regard to the code of practice.

These Regulations prescribe such persons.