

2011 No. 146

CRIMINAL LAW

The Disclosure (Persons engaged in the Investigation and Reporting of Crime or Sudden Deaths) (Scotland) Regulations 2011

Made - - - - - *21st February 2011*
Laid before the Scottish Parliament *23rd February 2011*
Coming into force - - - *6th June 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 117(4) and 164(3) of the Criminal Justice and Licensing (Scotland) Act 2010(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Disclosure (Persons engaged in the Investigation and Reporting of Crime or Sudden Deaths) (Scotland) Regulations 2011 and come into force on 6th June 2011.

Prescribed persons for the purposes of the provision of information to the prosecutor and the code of practice

2. The persons listed in the Schedule are prescribed persons for the purposes of sections 117(4) and 164(3) of the Criminal Justice and Licensing (Scotland) Act 2010.

KENNY MACASKILL
A member of the Scottish Executive

St Andrew's House,
Edinburgh
21st February 2011

SCHEDULE

Regulation 2

Ministers

The Scottish Ministers, to include:—
Forestry Commission (Scotland)
Historic Scotland
Marine Scotland
Rural Payments and Inspections Directorate
Transport Scotland

UK Government departments

Department for Business, Innovation and Skills
Department for Energy and Climate Control
Department for Environment, Food and Rural Affairs
Department of Works and Pensions

Executive agencies

Accountant in Bankruptcy
Animal Health
Companies House
Driver and Vehicle Licensing Agency
Insolvency Service
Maritime and Coastguard Agency
Student Awards Agency for Scotland
UK Border Agency
Vehicle and Operator Services Agency
Vehicle Certification Agency

Executive bodies

Child Support Agency
Environment Agency
Gambling Commission
Gangmasters Licensing Authority
Health and Safety Executive
The Pensions Regulator
Scottish Environment Protection Agency
Scottish Legal Aid Board
Scottish Natural Heritage
Social Care and Social Work Improvement Scotland

Commissioners

Information Commissioner
Scottish Information Commissioner

Scottish local authorities

Aberdeen City Council
Aberdeenshire Council
Angus Council
Argyll and Bute Council
City of Edinburgh Council
Clackmannanshire Council
Comhairle Nan Eilean Siar
Dumfries and Galloway Council
Dundee City Council
East Ayrshire Council
East Dunbartonshire Council
East Lothian Council
East Renfrewshire Council
Falkirk Council
Fife Council
Glasgow City Council
Highland Council
Inverclyde Council
Midlothian Council
Moray Council
North Ayrshire Council
North Lanarkshire Council
Orkney Islands Council
Perth and Kinross Council
Renfrewshire Council
Scottish Borders Council
Shetland Islands Council
South Ayrshire Council
South Lanarkshire Council
Stirling Council
West Dunbartonshire Council
West Lothian Council

Police and fire and rescue services

British Transport Police
Central Scotland Fire and Rescue Service
Civil Nuclear Constabulary
Dumfries and Galloway Fire and Rescue Service
Fife Fire and Rescue Service
Grampian Fire and Rescue Service
Highlands and Islands Fire and Rescue Service
Lothian and Borders Fire and Rescue Service

Ministry of Defence Police
Scottish Crime and Drug Enforcement Agency
Scottish Fire and Rescue Advisory Unit
Strathclyde Fire and Rescue Service
Tayside Fire and Rescue Service

Non-ministerial departments

Food Standards Agency (Scotland)
General Register Office for Scotland
HM Revenue and Customs
Office of the Scottish Charity Regulator

Other public bodies

Agriculture and Horticulture Development Board
DairyCo
Security Industry Authority
Serious Organised Crime Agency

Public corporations

Civil Aviation Authority
Office of Communications
Royal Mail Group Ltd
Scottish Water

National Health Service bodies

National Health Service for Scotland Counter Fraud Services

Charities

Royal Environmental Health Institute of Scotland
Royal Society for the Protection of Birds (Scotland)
Scottish Society for the Prevention of Cruelty to Animals

Professional governing bodies

General Dental Council
Law Society of Scotland

Private sector organisations

British Gas
British Telecommunications Group plc
Capita

Other bodies

Association of Salmon Fishery Boards
Certification Office for Trade Unions and Employers' Associations
Drinking Water Quality Regulator for Scotland
Electoral Commission
Farriers Registration Council
Forth District Salmon Fishery Board
Lerwick Port Authority

Lochaber District Salmon Fishery Board
River Tweed Commission

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.

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