



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### [<sup>F1</sup>PART XA

#### SCOTTISH CRIMINAL CASES REVIEW COMMISSION

##### *Disclosure of information*

#### <sup>F2</sup>[<sup>F1</sup>194K] **Exceptions from obligations of non-disclosure.**

- (1) The disclosure of information, or the authorisation of the disclosure of information, is excepted from section 194J of this Act by this section if the information is disclosed, or is authorised to be disclosed—
  - (a) for the purposes of any criminal, disciplinary or civil proceedings;
  - (b) in order to assist in dealing with an application made to the Secretary of State for compensation for a miscarriage of justice;
  - (c) by a person who is a member or an employee of the Commission to another person who is a member or an employee of the Commission;
  - (d) in any statement or report required by this Act;
  - (e) in or in connection with the exercise of any function under this Act; or
  - (f) in any circumstances in which the disclosure of information is permitted by an order made by the Secretary of State.
- (2) The disclosure of information is also excepted from section 194J of this Act by this section if the information is disclosed by an employee of the Commission who is authorised to disclose the information by a member of the Commission.
- (3) The disclosure of information, or the authorisation of the disclosure of information, is also excepted from section 194J of this Act by this section if the information is disclosed, or is authorised to be disclosed, for the purposes of—
  - (a) the investigation of an offence; or
  - (b) deciding whether to prosecute a person for an offence,

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**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 194K is up to date with all changes known to be in force on or before 17 July 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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unless the disclosure is or would be prevented by an obligation or other limitation on disclosure (including any such obligation or limitation imposed by, under or by virtue of any enactment) arising otherwise than under that section.

- (4) Where the disclosure of information is excepted from section 194J of this Act by subsection (1) or (2) above, the disclosure of the information is not prevented by any obligation of secrecy or other limitation on disclosure (including any such obligation or limitation imposed by, under or by virtue of any enactment) arising otherwise than under that section.
- (5) The power to make an order under subsection (1)(f) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Annotations:**

**Amendments (Textual)**

- F1** Pt. XA (ss. 194A-194L) inserted (1.1.1998 for the purpose of inserting ss. 194A, 194E and 194G, otherwise 1.4.1999) by 1997 c. 48, s. 25(1); S.I. 1997/3004, art. 2, **Sch.**; S.I. 1999/652, art. 2, **Sch.** (subject to art. 3)
- F2** S. 194K inserted (1.4.1999) by 1997 c. 48, s. 25(1); S.I. 1999/652, art. 2, **Sch.** (subject to art. 3)

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 194K is up to date with all changes known to be in force on or before 17 July 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A inserted by 2010 asp 13 Sch. 7 para. 26
- s. 13(1B) (1C) inserted by 2006 asp 10 s. 82(2)
- s. 13(2)(aa) inserted by 2006 asp 10 s. 82(3)(b)
- s. 13(3A) inserted by 2006 asp 10 s. 82(4)
- s. 13(5)(ba) inserted by 2006 asp 10 s. 82(5)(a)
- s. 13(6)(a)(iii) and word inserted by 2006 asp 10 s. 82(6)(b)
- s. 13(8) inserted by 2006 asp 10 s. 82(7)
- s. 22(5A) inserted by 2007 asp 6 s. 7(2)(g)
- s. 23D(3A) inserted by 2018 asp 5 Sch. para. 1(2)(b)
- s. 35(4AA) inserted by 2018 asp 5 Sch. para. 4(2)(c)
- s. 66(14A) inserted by 2018 asp 5 Sch. para. 4(3)(c)
- s. 71(B1)(aa) inserted by 2018 asp 5 Sch. para. 4(4)
- s. 73A inserted by 2004 asp 3 s. 2(3)
- s. 79(3A)(d) inserted by 2018 asp 5 Sch. para. 10(2)
- s. 92(2F)(aa) inserted by 2018 asp 5 Sch. para. 4(7)
- s. 144(3AA) inserted by 2018 asp 5 Sch. para. 4(9)(b)
- s. 146(3AA) inserted by 2018 asp 5 Sch. para. 4(10)(b)
- s. 148A title substituted by 2018 asp 5 Sch. para. 4(12)
- s. 148A(10) inserted by 2018 asp 5 Sch. para. 4(11)(b)
- s. 150A(8)(aa) inserted by 2018 asp 5 Sch. para. 4(13)
- s. 167(7D) (7E) inserted by 2007 asp 17 sch. 4 para. 1(3)
- s. 167(7D) words substituted by 2010 asp 13 Sch. 3 para. 16(2)
- s. 167(7E) words substituted by 2010 asp 13 Sch. 3 para. 16(3)
- s. 194ZA repealed by 2014 asp 18 sch. 3 para. 25
- s. 200A inserted by 2016 asp 1 s. 85
- s. 205A added by 1997 c. 48 s. 1(1) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)
- s. 210AB and cross-heading inserted by 2018 asp 5 Sch. para. 8(2)
- s. 234AZA inserted by 2018 asp 5 Sch. para. 9(2)
- s. 248D 248E inserted by 2009 c. 25 Sch. 16 para. 3
- s. 249(4A)-(4D) inserted by 2014 asp 1 s. 24
- s. 253A-253E and cross-heading inserted by 2014 asp 1 s. 25
- s. 253A(2) applied by 2002 c. 29, s. 97A(9) (as inserted) by 2015 c. 9 s. 15(2)
- s. 271B(2)(g)-(i) inserted by 2018 asp 5 Sch. para. 6(2)(b)
- s. 275C(1)(a) words renumbered as s. 275C(1)(a) by 2018 asp 5 Sch. para. 7(2)(a)(i)
- s. 275C(1)(b)(c) inserted by 2018 asp 5 Sch. para. 7(2)(a)(ii)
- s. 275C(3A) inserted by 2018 asp 5 Sch. para. 7(2)(b)
- s. 288F(1)(ba) inserted by 2018 asp 5 Sch. para. 4(16)
- s. 288DC inserted by 2018 asp 5 Sch. para. 4(14)
- Sch. 5A added by 1997 c. 48 s. 1(2) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by 2003 asp 7, s. 19(3); S.S.I. 2003/288, art. 2, Sch.)