



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

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

#### SCOTTISH CRIMINAL CASES REVIEW COMMISSION]

##### *[<sup>F1</sup>Special circumstances for disclosure*

#### [<sup>F1</sup>194O Notification and representations etc.

- (1) When considering for the purpose of section 194M(1) the question of whether it is appropriate for the information to be disclosed, the Commission have the following duties.
- (2) The Commission must—
  - (a) so far as practicable, take reasonable measures to—
    - (i) notify each of the affected persons of the possibility that the information may be disclosed, and
    - (ii) seek the views of each of them on the question, and
  - (b) to such extent (and in such manner) as they think fit, consult the other interested persons.
- (3) The Commission must—
  - (a) allow the prescribed period for each of the affected and other interested persons involved to take steps (including legal action) in their own favour in relation to the question, and
  - (b) have regard to any material representations made to them on the question by any of those affected and other interested persons within the prescribed period.
- (4) The Commission must have regard to any other factors that they believe to be significant in relation to the question.
- (5) In subsections (2) and (3)—
  - (a) the references to the affected persons are to the persons—
    - (i) to whom the information directly relates, or

*Status: Point in time view as at 01/09/2015.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 194O is up to date with all changes known to be in force on or before 13 April 2024. 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)*

- (ii) from whom the information was obtained, whether directly or indirectly,
- (b) the references to the other interested persons are to (so far as not among the affected persons)—
  - (i) the Lord Advocate, and
  - (ii) such additional persons (if any) as appear to the Commission to have a substantial interest in the question.
- (6) In subsection (3), the references to the prescribed period in relation to a particular person are to—
  - (a) the period of 6 weeks, or
  - (b) such longer period as the Commission may set,starting with the date on which the notification was sent to, or (as the case may be) consultation was initiated with respect to, the person.
- (7) Subsections (3) and (6) are inapplicable in relation to a particular person if the Commission cannot reasonably ascertain the person's whereabouts.]

#### **Textual Amendments**

- F1** Ss. 194M-194T and cross-heading inserted (24.9.2012) by [Criminal Cases \(Punishment and Review\) \(Scotland\) Act 2012 \(asp 7\)](#), **ss. 3(3)**, 5(2); S.S.I. 2012/249, art. 2

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