



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 3

CRIMINAL JUSTICE

Offenders assisting investigations and prosecutions

95 Sentencing: consideration of undisclosed information

- (1) This section applies where a person (the “offender”)—
 - (a) has been convicted and is to be sentenced for an offence; and
 - (b) has, otherwise than in pursuance of an assistance agreement, assisted in relation to the investigation or prosecution of any other offence.
- (2) Where this section applies, the court may, in passing sentence and if it considers it to be in the interests of justice to do so, take into account any information which is in a report in writing by a relevant officer about that assistance and which is, with the agreement of the offender, made available—
 - (a) only to the offender and the court; or
 - (b) only to the offender, the offender's counsel or solicitor and the court, by the prosecutor.
- (3) Where, under subsection (2) a court takes information about assistance into account, it must not disclose the information, the existence of the report containing it or whether the sentence it passes is less than the sentence it would have passed but for the assistance given.
- (4) Subsection (3) does not prevent disclosure by the court or the clerk of court to the High Court or the Clerk of Justiciary in connection with proceedings to which section 96 applies.

[^{F1}(4A) Subsection (3) does not prevent disclosure by the court or the Clerk of the Sheriff Appeal Court in connection with proceedings to which section 96A applies.]

Changes to legislation: There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 95. (See end of Document for details)

- (5) In subsection (2), a “relevant officer is a constable or any other officer of an organisation having functions which are conferred by or under an enactment or rule of law and which consist of or include the investigation of offences.
- (6) The reference in subsection (2) to a report in writing includes a reference to a report made by means of an electronic communication (within the meaning given by section 15(1) of the Electronic Communications Act 2000 (c. 7)) the contents of which are kept or recorded so that they can be conveniently consulted later by the maker of the report and those to whom it was made available.

Textual Amendments

- F1** S. 95(4A) inserted (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, **Sch. 2 para. 9(3)** (with art. 4)

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