



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Applications and reviews: general

158 Applications and reviews: general provisions

- (1) Subsection (3) applies in relation to—
 - (a) an application for an order mentioned in subsection (2), and
 - (b) a review relating to such an order.
- (2) The orders are—
 - (a) a non-notification order,
 - (b) an exclusion order,
 - (c) a section 145 order,
 - (d) a restricted notification order,
 - (e) a non-attendance order,
 - (f) a section 146 order.
- (3) Except where it is impracticable to do so, the application or review is to be assigned in accordance with subsection (4).
- (4) The application or, as the case may be, review is to be assigned—
 - (a) if the proceedings against the accused to which the application or review relates are continuing (or have concluded and there are no appellate proceedings), to the same justice of the peace, sheriff or, as the case may be, judge as has been (or is to be or was) assigned to the trial diet in those proceedings,
 - (b) if the appellate proceedings to which the application or review relates are continuing, to the same judge as has been (or is to be) assigned to those proceedings.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Applications and reviews: general. (See end of Document for details)

- [^{F1}(c) if the 2011 Act proceedings to which the application or review relates are continuing, to the same judge or judges as have been (or are to be) assigned to those proceedings.]
- (5) The accused, appellant[^{F2}, other person or, as the case may be, respondent] to whom the order relates is not entitled to see or be made aware of the contents of an application for—
- (a) an order mentioned in subsection (2),
 - (b) a review relating to such an order made by the prosecutor, the Secretary of State or special counsel.
- [^{F3}(6) In this section—
- “appellant” and “appellate proceedings” have the meanings given by section 132,
“respondent” has the meaning given by section 140A.]
- (7) The reference in subsection (4)(a) to proceedings against the accused includes a reference to an appeal by the prosecutor against an acquittal.

Textual Amendments

- F1** S. 158(4)(c) inserted (28.11.2011) by Double Jeopardy (Scotland) Act 2011 (asp 16), s. 17(3), **Sch. para. 30(a)**; S.S.I. 2011/365, art. 3
- F2** Words in s. 158(5) substituted (28.11.2011) by Double Jeopardy (Scotland) Act 2011 (asp 16), s. 17(3), **Sch. para. 30(b)**; S.S.I. 2011/365, art. 3
- F3** S. 158(6) substituted (28.11.2011) by Double Jeopardy (Scotland) Act 2011 (asp 16), s. 17(3), **Sch. para. 30(c)**; S.S.I. 2011/365, art. 3
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Commencement Information

- I1** S. 158 in force at 6.6.2011 by S.S.I. 2011/178 , art. 2 , **Sch.**

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Applications and reviews: general.