



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Prosecutor's duty to disclose information

121 Prosecutor's duty to disclose information

- (1) This section applies where in a prosecution—
 - (a) an accused appears for the first time on petition,
 - (b) an accused appears for the first time on indictment (not having appeared on petition in relation to the same matter), or
 - (c) a plea of not guilty is recorded against an accused charged on summary complaint.
- (2) As soon as practicable after the appearance or the recording of the plea, the prosecutor must—
 - (a) review all the information that may be relevant to the case for or against the accused of which the prosecutor is aware, and
 - (b) disclose to the accused the information to which subsection (3) applies.
- (3) This subsection applies to information if—
 - (a) the information would materially weaken or undermine the evidence that is likely to be led by the prosecutor in the proceedings against the accused,
 - (b) the information would materially strengthen the accused's case, or
 - (c) the information is likely to form part of the evidence to be led by the prosecutor in the proceedings against the accused.

Commencement Information

11 S. 121 in force at 6.6.2011 by [S.S.I. 2011/178](#), art. 2, [Sch.](#) (with [Sch.](#))

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 121.