



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

#### *Prosecutor's duty to disclose information*

#### **122 Disclosure of other information: solemn cases**

- (1) This section applies where by virtue of subsection (2)(b) of section 121 the prosecutor is required to disclose information to an accused who falls within paragraph (a) or (b) of subsection (1) of that section.
- (2) As soon as practicable after complying with the requirement, the prosecutor must disclose to the accused details of any information which the prosecutor is not required to disclose under section 121(2)(b) but which may be relevant to the case for or against the accused.
- (3) The prosecutor need not disclose under subsection (2) details of sensitive information.
- (4) In subsection (3), “sensitive”, in relation to an item of information, means that if it were to be disclosed there would be a risk of—
  - (a) causing serious injury, or death, to any person,
  - (b) obstructing or preventing the prevention, detection, investigation or prosecution of crime, or
  - (c) causing serious prejudice to the public interest.

#### **Commencement Information**

- II** S. 122 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 122.