



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

#### *Defence statements*

#### **126 Change in circumstances following lodging of defence statement: summary proceedings**

- (1) This section applies where the accused lodges a defence statement under section 125 at least 14 days before the trial diet.
- (2) At least 7 days before the trial diet the accused must—
  - (a) where there has been no material change in circumstances in relation to the accused's defence since the defence statement was lodged, lodge a statement stating that fact,
  - (b) where there has been a material change in circumstances in relation to the accused's defence since the defence statement was lodged, lodge a defence statement.
- (3) If after lodging a statement under subsection (2) there is a material change in circumstances in relation to the accused's defence, the accused must lodge a defence statement.
- (4) Where subsection (3) requires a defence statement to be lodged, it must be lodged before the trial diet begins unless on cause shown the court allows it to be lodged during the trial diet.
- (5) As soon as practicable after lodging a statement under subsection (2)(a) or a defence statement under subsection (2)(b) or (3), the accused must send a copy of the statement concerned to the prosecutor and any co-accused.
- (6) As soon as practicable after receiving a copy of a defence statement lodged under subsection (2)(b) or (3) the prosecutor must—

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 126. (See end of Document for details)

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- (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 any information to which section 121(3) applies.
- (7) In this section, “defence statement” is to be construed in accordance with section 125(2).

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**Commencement Information**

**II** S. 126 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 126.