Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Disclosure after conclusion of proceedings at first instance

135 Application to prosecutor for further disclosure

(1) This section applies where—
   (a) the prosecutor has complied with section 133(2) in relation to an appellant, and
   (b) the appellant lodges a further disclosure request—
      (i) during the preliminary period, or
      (ii) if the court on cause shown allows it, after the preliminary period but before the relevant conclusion.

(2) A further disclosure request must set out—
   (a) by reference to the grounds of appeal, the nature of the information that the appellant wishes the prosecutor to disclose, and
   (b) the reasons why the appellant considers that disclosure by the prosecutor of any such information is necessary.

(3) As soon as practicable after receiving a copy of the further disclosure request the prosecutor must—
   (a) review any information of which the prosecutor is aware that relates to the request, and
   (b) disclose to the appellant any of that information that falls within section 133(3).

(4) The prosecutor need not disclose under subsection (3)(b) anything that the prosecutor has already disclosed to the appellant.

(5) In this section—

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 135. (See end of Document for details)

"preliminary period", in relation to the appellate proceedings concerned, means the period beginning with the relevant act and ending with the beginning of the hearing of the appellate proceedings,

"relevant act" has the meaning given by section 133(5),

"relevant conclusion" has the meaning given by section 134(5).

Commencement Information

I1 S. 135 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 135.