



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

*[<sup>F1</sup>Disclosure in relation to 2011 Act proceedings]*

#### **[<sup>F1</sup>140D Application to prosecutor for further disclosure]**

- (1) This section applies where—
  - (a) the prosecutor has complied with section 140B(2) in relation to a respondent, and
  - (b) the respondent 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) the nature of the information that the respondent wishes the prosecutor to disclose, and
  - (b) the reasons why the respondent 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 respondent any of that information that falls within section 140B(3).
- (4) The prosecutor need not disclose under subsection (3)(b) anything that the prosecutor has already disclosed to the respondent.
- (5) In this section—

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 140D. (See end of Document for details)

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“preliminary period”, in relation to the 2011 Act proceedings concerned, means the period beginning with the relevant act and ending with the beginning of the hearing of the 2011 Act proceedings,

“relevant act” has the meaning given by section 140B(5),

“relevant conclusion” has the meaning given by section 140C(6). ]

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#### Textual Amendments

**F1** Ss. 140A-140F and cross-headings inserted (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\)](#), [ss. 13\(2\)](#), [17\(3\)](#); [S.S.I. 2011/365](#), [art. 3](#) (with [arts. 4, 5](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 140D.