



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

#### *Applications to court: orders preventing or restricting disclosure*

#### **141 Application for section 145 order**

- (1) This section applies where the conditions in subsection (2)<sup>[F1]</sup>, (3) or (3A) are met.
- (2) The conditions are that—
  - (a) by virtue of section 121(2)(b), 123(2)(b), 124(2)(b), 125(4)(b) or 126(6)(b) the prosecutor is required to disclose an item of information to an accused,
  - (b) section 121(3)(a) or (b) applies to the information, and
  - (c) the prosecutor considers that subsection (4) applies.
- (3) The conditions are that—
  - (a) by virtue of section 133(2)(b), 134(2)(b), 135(3)(b), 136(2), 137(2) or 138(2) the prosecutor is required to disclose an item of information to an appellant or, as the case may be, a person,
  - (b) where there are proceedings, the information is not likely to form part of the evidence to be led by the prosecutor in the proceedings, and
  - (c) the prosecutor considers that subsection (4) applies.
- <sup>[F2]</sup>(3A) The conditions are that—
  - (a) by virtue of section 140B(2)(b), 140C(2) or 140D(3)(b) the prosecutor is required to disclose an item of information to a respondent,
  - (b) the information is not likely to form part of the evidence to be led or relied on by the prosecutor in the proceedings, and
  - (c) the prosecutor considers that subsection (4) applies.]
- (4) This subsection applies if disclosure of the item of information would be likely to cause a real risk of substantial harm or damage to the public interest.

---

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 141. (See end of Document for details)*

---

- (5) The prosecutor must apply to the court for an order under section 145 (a “section 145 order”).

**Textual Amendments**

- F1** Words in s. 141(1) substituted (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\), s. 17\(3\), Sch. para. 19\(a\)](#); [S.S.I. 2011/365, art. 3](#)
- F2** S. 141(3A) inserted (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\), s. 17\(3\), Sch. para. 19\(b\)](#); [S.S.I. 2011/365, art. 3](#)

**Commencement Information**

- I1** S. 141 in force at 6.6.2011 by [S.S.I. 2011/178, art. 2, Sch.](#) (with art. 3 )

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 141.