



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

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

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

- (1) This section applies where in a prosecution—
  - (a) an accused appears for the first time on petition,
  - (b) an accused appears for the first time on indictment (not having appeared on petition in relation to the same matter), or
  - (c) a plea of not guilty is recorded against an accused charged on summary complaint.
- (2) As soon as practicable after the appearance or the recording of the plea, the prosecutor must—
  - (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 the information to which subsection (3) applies.
- (3) This subsection applies to information if—
  - (a) the information would materially weaken or undermine the evidence that is likely to be led by the prosecutor in the proceedings against the accused,
  - (b) the information would materially strengthen the accused's case, or
  - (c) the information is likely to form part of the evidence to be led by the prosecutor in the proceedings against the accused.

#### **Commencement Information**

**11** S. 121 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 121.