



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Disclosure after conclusion of proceedings at first instance

136 Further duty of prosecutor: conviction upheld on appeal

- (1) This section applies where—
 - (a) in an appeal to the High Court of Justiciary, the High Court upholds the conviction of a person, and
 - (b) after the conclusion of the appeal the prosecutor becomes aware of—
 - (i) information that the prosecutor was required by virtue of section 121(2)(b) or 123(2)(b) to disclose in the earlier proceedings but did not disclose, or
 - (ii) information that falls within section 133(3) which would have related to the grounds of appeal but was not disclosed.
- (2) As soon as practicable after becoming aware of the information the prosecutor must disclose it to the person.
- (3) The prosecutor need not disclose under subsection (2) anything that the prosecutor has already disclosed to the person.
- (4) Nothing in this section requires the prosecutor to carry out a review of information of which the prosecutor is aware.
- (5) In this section, “earlier proceedings” has the meaning given by section 133(5).