



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Disclosure after conclusion of proceedings at first instance

137 Further duty of prosecutor: convicted persons

- (1) This section applies where—
 - (a) a person has been convicted,
 - (b) after conviction the prosecutor becomes aware of information that the prosecutor was required by virtue of section 121(2)(b) or 123(2)(b) to disclose in the proceedings in which the person was convicted but did not disclose, and
 - (c) section 136 does not apply.
- (2) As soon as practicable after becoming aware of the information the prosecutor must disclose it to the person.
- (3) If the person institutes appellate proceedings in relation to the conviction, the prosecutor need not comply with the duty imposed by subsection (2) during the appropriate period.
- (4) The prosecutor need not disclose under subsection (2) anything that the prosecutor has already disclosed to the person.
- (5) Nothing in this section requires the prosecutor to carry out a review of information of which the prosecutor is aware.
- (6) In this section—
 - “appropriate period”, in relation to appellate proceedings, means the period beginning with the relevant act and ending with the relevant conclusion,
 - “relevant act” has the meaning given by section 133(5),
 - “relevant conclusion” has the meaning given by section 134(5).