

# **CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 6 - Disclosure**

##### ***Section 139 – Application by appellant for ruling on disclosure***

619. This section allows an appellant to contest a prosecutor's decision not to disclose an item of information in response to a request for further disclosure in terms of section 135. The basis upon which the appellant would do so would be that the prosecutor had failed to disclose information that satisfies the prosecutor's duty to disclose in appellate proceedings. The section allows the accused to apply to the court for a ruling on the matter.
620. Subsection (3) provides the content of the accused's written application to the court.
621. Subsections (4) to (7) provide the duties of the court upon receipt of such an application including the appointment of a hearing and the disposals available to the court. By subsection (9) it is provided that except where it is impracticable to do so the application should be assigned to the judges who are to hear the appellant's appeal.