

*These notes relate to the Criminal Justice and Licensing (Scotland)
Act 2010 (asp 13) which received Royal Assent on 6 August 2010*

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - Disclosure

Section 123 – Continuing duty of prosecutor

591. This section confirms that in cases where the disclosure statutory scheme applies (both summary and solemn), the prosecutor has an ongoing duty to review all the information that may be relevant to the case for or against the accused of which the prosecutor is aware. Having done so the prosecutor must disclose to the accused any such information to which section 121(3) applies.
592. Subsection (3) applies to solemn cases only and sets out that having complied with the duty to review and disclose the information falling under section 121 the prosecutor must also disclose details of any other information of which he or she is aware that may be relevant to the case for or against the accused. Again this additional duty does not apply to “sensitive” information.
593. Subsection (6) defines when a case is deemed to have been concluded.