



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

#### *Provision of information to prosecutor*

#### **118 Continuing duty to provide information: solemn cases**

- (1) This section applies where—
  - (a) an investigating agency has complied with section 117(2) in relation to an accused, and
  - (b) during the relevant period the investigating agency becomes aware that further information that may be relevant to the case for or against the accused has been obtained (whether by the agency or otherwise) in the course of investigating the accused's case.
- (2) As soon as practicable after becoming aware of the further information, the investigating agency must provide the prosecutor with details of it.
- (3) As soon as practicable after being required to do so by the prosecutor, the investigating agency must provide the prosecutor with any of that further information that the prosecutor specifies in the requirement.
- (4) In this section, “relevant period” means the period—
  - (a) beginning with the investigating agency's compliance with section 117(2) in relation to the accused, and
  - (b) ending with the agency's receiving notice from the prosecutor of the conclusion of the proceedings against the accused.
- (5) For the purposes of subsection (4), proceedings against an accused are to be taken to be concluded if—
  - (a) a plea of guilty is recorded against the accused,
  - (b) the accused is acquitted,

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*Status: This is the original version (as it was originally enacted).*

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- (c) the proceedings against the accused are deserted simpliciter,
- (d) the accused is convicted and does not appeal against the conviction before the expiry of the time allowed for such an appeal,
- (e) the accused is convicted and appeals against the conviction before the expiry of the time allowed for such an appeal,
- (f) the proceedings are deserted *pro loco et tempore* for any reason and no further trial diet is appointed, or
- (g) the indictment falls or is for any other reason not brought to trial, the diet is not continued, adjourned or postponed and no further proceedings are in contemplation.