



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Disclosure after conclusion of proceedings at first instance

134 Continuing duty of prosecutor

- (1) This section applies where the prosecutor has complied with section 133(2) in relation to an appellant.
- (2) During the relevant period, the prosecutor must—
 - (a) from time to time review all information of which the prosecutor is aware that relates to the grounds of appeal in the appellate proceedings which relate to the appellant, and
 - (b) disclose to the appellant any information that falls within section 133(3).
- (3) The prosecutor need not disclose under subsection (2) anything that the prosecutor has already disclosed to the appellant.
- (4) In subsection (2), “relevant period” means the period—
 - (a) beginning with the prosecutor’s compliance with section 133(2), and
 - (b) ending with the relevant conclusion.
- (5) In subsection (4), “relevant conclusion” means—
 - (a) in relation to proceedings of the type mentioned in paragraph (a) or (b) of the relevant definition—
 - (i) the lodging under section 116(1) of the 1995 Act of a notice of abandonment, or
 - (ii) the disposal of the appeal under section 118 of that Act,
 - (b) in relation to proceedings of the type mentioned in paragraph (c) or (d) of the relevant definition—
 - (i) the disposal of the appeal under section 183(1)(b) to (d) of that Act,

Status: This is the original version (as it was originally enacted).

- (ii) the abandonment of the appeal under section 184(1) of that Act,
 - (iii) the setting aside of the conviction or sentence or, as the case may be, conviction and sentence under section 188(1) of that Act, or
 - (iv) the disposal of the appeal under section 190(1) of that Act,
- (c) in relation to proceedings of the type mentioned in paragraph (e), (f), (g) or (h) of the relevant definition, the disposal or abandonment of the appeal,
- (d) in relation to proceedings of the type mentioned in paragraph (i) of the relevant definition, the disposal of the appeal under section 62(6) of that Act or the abandonment of the appeal,
- (e) in relation to proceedings of the type mentioned in paragraph (j) of the relevant definition—
- (i) if the referral or finding is being treated as if it were an appeal under Part 8 of that Act, the conclusion mentioned in paragraph (a) above,
 - (ii) if the referral or finding is being treated as if it were an appeal under Part 10 of that Act, the conclusion mentioned in paragraph (b) above or, where the referral or finding proceeds by way of bill of suspension, bill of advocacy or petition to the *nobile officium*, paragraph (c) above.
- (6) In this section, “relevant definition” has the meaning given by section 133(5).