



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Applications to court: orders preventing or restricting disclosure

141 Application for section 145 order

- (1) This section applies where the conditions in subsection (2) or (3) are met.
- (2) The conditions are that—
 - (a) by virtue of section 121(2)(b), 123(2)(b), 124(2)(b), 125(4)(b) or 126(6)(b) the prosecutor is required to disclose an item of information to an accused,
 - (b) section 121(3)(a) or (b) applies to the information, and
 - (c) the prosecutor considers that subsection (4) applies.
- (3) The conditions are that—
 - (a) by virtue of section 133(2)(b), 134(2)(b), 135(3)(b), 136(2), 137(2) or 138(2) the prosecutor is required to disclose an item of information to an appellant or, as the case may be, a person,
 - (b) where there are proceedings, the information is not likely to form part of the evidence to be led by the prosecutor in the proceedings, and
 - (c) the prosecutor considers that subsection (4) applies.
- (4) This subsection applies if disclosure of the item of information would be likely to cause a real risk of substantial harm or damage to the public interest.
- (5) The prosecutor must apply to the court for an order under section 145 (a “section 145 order”).