



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

*Orders preventing or restricting disclosure: Secretary of State*

#### **147 Application for ancillary orders: Secretary of State**

- (1) This section applies where the Secretary of State applies for a section 146 order.
- (2) If the application under section 146 relates to solemn proceedings (whether continuing or concluded) [<sup>F1</sup>or to 2011 Act proceedings], the Secretary of State may also apply to the court for—
  - (a) a restricted notification order and a non-attendance order, or
  - (b) a non-attendance order (but not a restricted notification order).
- (3) If the application under section 146 relates to summary proceedings (whether continuing or concluded), the Secretary of State may also apply to the court for a non-attendance order.
- (4) A restricted notification order is an order under section 148 prohibiting notice being given to the accused of—
  - (a) the making of an application for—
    - (i) the section 146 order to which the restricted notification order relates,
    - (ii) the restricted notification order, and
    - (iii) a non-attendance order, and
  - (b) the determination of those applications.
- (5) A non-attendance order is an order under section 148(7) or 149 prohibiting the accused from attending or making representations in proceedings for the determination of the application for the section 146 order to which the non-attendance order relates.
- (6) Subsection (7) applies where the Secretary of State applies—

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 147. (See end of Document for details)

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- (a) by virtue of subsection (2)(a) for a restricted notification order and a non-attendance order, or
  - (b) by virtue of subsection (2)(a) or (b) for a non-attendance order.
- (7) Before determining the application for the section 146 order, the court must—
- (a) in accordance with section 148, determine any application for a restricted notification order and a non-attendance order,
  - (b) in accordance with section 149, determine any application for a non-attendance order.

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#### **Textual Amendments**

- F1** Words in s. 147(2) inserted (28.11.2011) by [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\)](#), s. 17(3), [Sch. para. 24](#); [S.S.I. 2011/365](#), art. 3
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#### **Commencement Information**

- I1** S. 147 in force at 6.6.2011 by [S.S.I. 2011/178](#) , art. 2 , [Sch.](#) (with art. 3 )

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 147.