

## SCHEDULE CONSEQUENTIAL AMENDMENTS

### *Criminal Justice and Licensing (Scotland) Act 2010*

- 22 In section 145 (application for section 145 order: determination)—
- (a) in subsection (2)(c)—
    - (i) omit “or” immediately following sub-paragraph (i), and
    - (ii) after sub-paragraph (ii) insert “or
    - (iii) where the application for the section 145 order is made by virtue of section 141(3A), whether the conditions in subsection (4A) apply,”
  - (b) in subsection (2)(d), for “or, as the case may be, (4)” substitute “, (4) or, as the case may be, (4A)”,
  - (c) after subsection (4), insert—
    - “(4A) The conditions are—
    - (a) that by virtue of section 140B(2)(b), 140C(2) or 140D(3)(b) the prosecutor is required to disclose an item of information to a respondent,
    - (b) the information is not likely to form part of the evidence to be led or relied on by the prosecutor in the proceedings,
    - (c) that if the item of information were to be disclosed there would be a real risk of substantial harm or damage to the public interest,
    - (d) that withholding the item of information is not inconsistent with the respondent’s receiving a fair hearing in the 2011 Act proceedings to which the item relates, and
    - (e) that the public interest would be protected only if a section 145 order were to be made.”,
  - (d) in subsection (5)(a), for “or, as the case may be, paragraph (c) of subsection (4)” substitute “, paragraph (c) of subsection (4) or, as the case may be, paragraph (c) of subsection (4A)”,
  - (e) in subsection (6) for “or, as the case may be, (4)” substitute “, (4) or, as the case may be, (4A)”.