

**2009 No. 448**

**CRIMINAL LAW**

**The Scottish Criminal Cases Review Commission (Permitted  
Disclosure of Information) Order 2009**

*Made* - - - - *17th December 2009*

*Laid before the Scottish Parliament* *18th December 2009*

*Coming into force* - - *1st February 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 194K(1)(f) of the Criminal Procedure (Scotland) Act 1995(a) and all other powers enabling them to do so.

**Citation and commencement**

1.—(1) This Order may be cited as the Scottish Criminal Cases Review Commission (Permitted Disclosure of Information) Order 2009 and comes into force on 1st February 2010.

(2) In this Order “the Act” means the Criminal Procedure (Scotland) Act 1995.

**Permitted disclosure of information**

2. The disclosure of information is permitted in the following circumstances—

- (a) the information relates to a case that has been referred to the High Court under section 194B(1) of the Act and—
  - (i) is, or includes, a reference of a conviction, or a finding under section 55(2) of the Act, where
  - (ii) the appeal, consequent on that reference, has been abandoned in terms of sections 116 or 184 of the Act;
- (b) any person who provided the information to the Commission (whether directly or indirectly) has consented to its disclosure; and
- (c) a decision that the information should be disclosed has been taken by the Commission.

*KENNY MACASKILL*

A member of the Scottish Executive

St Andrew’s House,  
Edinburgh  
17th December 2009

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(a) 1995 c.46; sections 194A to 194L of the Criminal Procedure (Scotland) Act 1995 were inserted by the Crime and Punishment (Scotland) Act 1997 (c.48), section 25(1). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies additional circumstances in which a member or employee of the Scottish Criminal Cases Review Commission (“the Commission”) may disclose information, or authorise the disclosure of information, obtained by the Commission without committing an offence in terms of section 194J(3) of the Criminal Procedure (Scotland) Act 1995 (“the Act”). Those circumstances are that—

- (a) the information has been obtained by the Commission in connection with a case that has been referred to the High Court under section 194B(1) of the Act following a conviction or finding under section 55(2) of the Act that the accused did the act or made the omission constituting the offence, but in either case the appeal is abandoned in terms of sections 116 or 184 of the Act;
- (b) any person who provided the information to the Commission (whether directly or indirectly) has consented to its disclosure; and
- (c) the decision to disclose the information is taken by the Commission.

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