

*These notes relate to the Criminal Justice and Licensing (Scotland)  
Act 2010 (asp 13) which received Royal Assent on 6 August 2010*

# **CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 6 - Disclosure**

##### ***Section 136 – Further duty of prosecutor: conviction upheld on appeal***

616. This section sets out the prosecutor's duty of disclosure in cases where the accused's conviction is upheld following his appeal. It provides that, if, after the conclusion of the appeal, the prosecutor becomes aware of information that should have previously been disclosed then the prosecutor must, as soon as practicable after becoming aware of it, disclose the information. Subsection (3) provides that the prosecutor is not required to disclose anything that has already been disclosed. Subsection (4) provides that the section does not place a requirement on the prosecutor to proactively review the information of which he or she is aware.