



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 6

### DISCLOSURE

#### *Provision of information to prosecutor*

#### **117 Provision of information to prosecutor: solemn cases**

- (1) This section applies where in a prosecution—
  - (a) an accused appears for the first time on petition, or
  - (b) an accused appears for the first time on indictment (not having appeared on petition in relation to the same matter).
- (2) As soon as practicable after the appearance, the investigating agency must provide the prosecutor with details of all the information that may be relevant to the case for or against the accused that the agency is aware of that was obtained (whether by the agency or otherwise) in the course of investigating the matter to which the appearance relates.
- (3) As soon as practicable after being required to do so by the prosecutor, the investigating agency must provide the prosecutor with any of that information that the prosecutor specifies in the requirement.
- (4) In this section, “investigating agency” means—
  - (a) a police force, or
  - (b) such other person who—
    - (i) engages (to any extent) in the investigation of crime or sudden deaths, and
    - (ii) submits reports relating to those investigations to the procurator fiscal,as the Scottish Ministers may prescribe by regulations.

**118 Continuing duty to provide information: solemn cases**

- (1) This section applies where—
  - (a) an investigating agency has complied with section 117(2) in relation to an accused, and
  - (b) during the relevant period the investigating agency becomes aware that further information that may be relevant to the case for or against the accused has been obtained (whether by the agency or otherwise) in the course of investigating the accused’s case.
- (2) As soon as practicable after becoming aware of the further information, the investigating agency must provide the prosecutor with details of it.
- (3) As soon as practicable after being required to do so by the prosecutor, the investigating agency must provide the prosecutor with any of that further information that the prosecutor specifies in the requirement.
- (4) In this section, “relevant period” means the period—
  - (a) beginning with the investigating agency’s compliance with section 117(2) in relation to the accused, and
  - (b) ending with the agency’s receiving notice from the prosecutor of the conclusion of the proceedings against the accused.
- (5) For the purposes of subsection (4), proceedings against an accused are to be taken to be concluded if—
  - (a) a plea of guilty is recorded against the accused,
  - (b) the accused is acquitted,
  - (c) the proceedings against the accused are deserted simpliciter,
  - (d) the accused is convicted and does not appeal against the conviction before the expiry of the time allowed for such an appeal,
  - (e) the accused is convicted and appeals against the conviction before the expiry of the time allowed for such an appeal,
  - (f) the proceedings are deserted *pro loco et tempore* for any reason and no further trial diet is appointed, or
  - (g) the indictment falls or is for any other reason not brought to trial, the diet is not continued, adjourned or postponed and no further proceedings are in contemplation.

**119 Provision of information to prosecutor: summary cases**

- (1) This section applies where a plea of not guilty is recorded against an accused charged on summary complaint.
- (2) As soon as practicable after the recording of the plea, the investigating agency must inform the prosecutor of the existence of all the information that may be relevant to the case for or against the accused that the agency is aware of that was obtained (whether by the agency or otherwise) in the course of investigating the matter to which the plea relates.
- (3) As soon as practicable after being required to do so by the prosecutor, the investigating agency must provide the prosecutor with any of that information that the prosecutor specifies in the requirement.

## **120 Continuing duty of investigating agency: summary cases**

- (1) This section applies where—
  - (a) an investigating agency has complied with section 119(2) in relation to an accused, and
  - (b) during the relevant period the investigating agency becomes aware that further information that may be relevant to the case for or against the accused has been obtained (whether by the agency or otherwise) in the course of investigating the accused’s case.
- (2) As soon as practicable after becoming aware of the further information, the investigating agency must inform the prosecutor of the existence of the information.
- (3) As soon as practicable after being required to do so by the prosecutor, the investigating agency must provide the prosecutor with any of that further information that the prosecutor specifies in the requirement.
- (4) In this section, “relevant period” means the period—
  - (a) beginning with the investigating agency’s compliance with section 119(2) in relation to the accused, and
  - (b) ending with the agency’s receiving notice from the prosecutor of the conclusion of the proceedings against the accused.
- (5) For the purposes of subsection (4), proceedings against an accused are to be taken to be concluded if—
  - (a) a plea of guilty is recorded against the accused,
  - (b) the accused is acquitted,
  - (c) the proceedings against the accused are deserted simpliciter,
  - (d) the accused is convicted and does not appeal against the conviction before the expiry of the time allowed for such an appeal,
  - (e) the accused is convicted and appeals against the conviction before the expiry of the time allowed for such an appeal,
  - (f) the proceedings are deserted *pro loco et tempore* for any reason and no further trial diet is appointed, or
  - (g) the complaint falls or is for any other reason not brought to trial, the diet is not continued, adjourned or postponed and no further proceedings are in contemplation.