



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 6

DISCLOSURE

Special counsel

VALID FROM 06/06/2011

152 Role of special counsel

- (1) Special counsel's duty is, in relation to the determination of the relevant application or appeal, to act in the best interests of the accused with a view only to ensuring that the accused receives a fair trial.
- (2) Special counsel—
 - (a) is entitled to see the confidential information, but
 - (b) must not disclose any of the confidential information to the accused or the accused's representative (if any).
- (3) Special counsel appointed in a non-notification case or a restricted notification case must not—
 - (a) disclose to the accused or the accused's representative (if any) the making of the relevant application or appeal, or
 - (b) otherwise communicate with the accused or the accused's representative (if any) about the relevant application or appeal.
- (4) Special counsel appointed in any case other than a non-notification case or a restricted notification case must not communicate with the accused or the accused's representative (if any) about the relevant application or appeal except—
 - (a) with the permission of the court, and
 - (b) where permission is given, in accordance with such conditions as the court may impose.

Status: Point in time view as at 28/02/2011. This version of this provision is not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 152. (See end of Document for details)

- (5) Before deciding whether to grant permission, the court must give—
- (a) the prosecutor, and
 - (b) in the case of an application for a section 146 order or a non-attendance order, the Secretary of State,
- an opportunity to be heard.
- (6) In this section—
- “the confidential information” means—
 - (a) the information to which the relevant application or appeal relates, and
 - (b) a copy of the relevant application or appeal,
 - “relevant application or appeal” means the application or appeal referred to in section 150(1) in respect of which special counsel is appointed.

Status:

Point in time view as at 28/02/2011. This version of this provision is not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 152.