SCOTTISH STATUTORY INSTRUMENTS

2024 No. 220

CRIMINAL LAW

The Scottish Criminal Cases Review Commission (Permitted Disclosure of Information) Order 2024

Made - - - -	*28th August 2024*
Laid before the Scottish Parliament	*30th August 2024*
Coming into force - -	*12th October 2024*

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. This Order may be cited as the Scottish Criminal Cases Review Commission (Permitted Disclosure of Information) Order 2024 and comes into force on 12 October 2024.

Permitted disclosure of information

2. The disclosure of information is permitted if the information is disclosed in response to a requirement under section 5 of the Post Office (Horizon System) Offences (Scotland) Act 2024(**b**).

ANGELA CONSTANCE
A member of the Scottish Government

St Andrew's House,
Edinburgh
28th August 2024

(**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). Section 194J was amended by the Criminal Cases (Punishment and Review) (Scotland) Act 2012 (asp 7), section 3(2). 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).
(**b**) 2024 asp 6.

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 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 Order specifies that the disclosure of such information is permitted if it is disclosed in response to a requirement under section 5 of the Post Office (Horizon System) Offences (Scotland) Act 2024 ("the Act").

Section 1 of the Act provides that convictions for "relevant offences" which took place before the date on which the Act comes into force are quashed on the day on which the Act comes into force. The Scottish Ministers have a number of functions under the Act which include identifying the convictions which have been quashed by the Act and notifying the courts and those who are directly affected of the fact that the conviction has been quashed. Section 5 of the Act allows the Scottish Ministers, by notice in writing, to require a person to provide them with information the person holds which Ministers consider is necessary for the carrying out of their functions under the Act.

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