



# Double Jeopardy (Scotland) Act 2011

## 2011 asp 16

### DOUBLE JEOPARDY (SCOTLAND) ACT 2011

#### *Double jeopardy*

- 1 Rule against double jeopardy

#### *Exceptions to rule against double jeopardy*

- 2 Tainted acquittals
- 3 Admission made or becoming known after acquittal
- 4 New evidence

#### *Exceptions to rule against double jeopardy: common provisions*

- 5 Applications under sections 2, 3 and 4
- 6 Further provision about prosecutions by virtue of sections 2, 3 and 4

#### *Plea in bar of trial*

- 7 Plea in bar of trial that accused has been tried before
- 8 Plea in bar of trial for murder: new evidence and admissions
- 9 Plea in bar of trial: nullity of previous trial
- 10 Plea in bar of trial: previous foreign proceedings

#### *Other subsequent prosecutions*

- 11 Eventual death of injured person
- 12 Nullity of proceedings on previous indictment or complaint

#### *Disclosure of information*

- 13 Disclosure of information

#### *General*

- 14 Retrospective application of Act
- 15 Transitional provision etc.

- 16 Consequential amendments
- 17 Short title, interpretation and commencement

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SCHEDULE — CONSEQUENTIAL AMENDMENTS

- 1 Contempt of Court Act 1981
- 2 After paragraph 1 (meaning of “criminal proceedings” and “appellate proceedings”),...
- 3 In paragraph 4 (initial steps of criminal proceedings), after sub-paragraph...
- 4 In paragraph 5 (conclusion of criminal proceedings), after sub-paragraph (c)...
- 5 In paragraph 7 (discontinuance of proceedings), after sub-paragraph (c) insert—...
- 6 Criminal Procedure (Scotland) Act 1995
- 7 In section 94 (transcripts of record and documentary productions), after...
- 8 In section 107 (leave to appeal), after subsection (2) insert—...
- 9 In section 109 (intimation of intention to appeal), after subsection...
- 10 In section 110 (note of appeal), after subsection (3) insert—...
- 11 In section 113 (judge’s report)— (a) in subsection (1), at...
- 12 In section 118 (disposal of appeals), after subsection (1) insert—...
- 13 After section 176 insert— Application of section 176 in relation...
- 14 In section 178 (stated case: preparation of draft), after subsection...
- 15 In section 179 (stated case: adjustment and signature), after subsection...
- 16 In section 183 (stated case: disposal of appeal), after subsection...
- 17 Criminal Justice and Licensing (Scotland) Act 2010
- 18 In section 116 (meaning of “information”)— (a) after subsection (2)...
- 19 In section 141 (application for section 145 order)—
- 20 In section 142 (application for non-notification order or exclusion order) —...
- 21 In section 143 (application for non-notification order and exclusion order),...
- 22 In section 145 (application for section 145 order: determination)—
- 23 In section 146 (order preventing or restricting disclosure: application by...
- 24 In section 147 (application for ancillary orders: Secretary of State),...
- 25 In section 150 (special counsel), in subsection (10)—
- 26 In section 152 (role of special counsel), after subsection (5)...
- 27 In section 153 (appeals), in subsection (10)—
- 28 In section 155 (review of section 145 order)—
- 29 In section 156 (review of section 146 order)—
- 30 In section 158 (applications and reviews: general provisions)—
- 31 In section 160 (means of disclosure), in subsection (9)—
- 32 In section 162 (confidentiality of disclosed information), for subsection (8)...
- 33 In section 166 (abolition of common law rules about disclosure)—...
- 34 In section 167 (interpretation of Part 6)—