

# **DOUBLE JEOPARDY (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### *Schedule*

#### *Schedule Consequential amendments*

81. Paragraphs 1 to 5 amend the [Contempt of Court Act 1981 \(c.49\)](#) to protect double jeopardy proceedings from pre-trial publicity. This protects any subsequent trial from prejudicial publicity arising during the application stage where the prosecutor is seeking authority to bring a new prosecution.
82. Paragraphs 6 to 16 amend the 1995 Act. These amendments make provision for prosecutions under section 11 (where the victim of, say, an assault dies after acquittal or conviction of a person for that offence). They make provision for appeals against conviction at the first trial.
83. Paragraphs 17 to 34 of the schedule provide various consequential amendments to Part 6 of the 2010 Act in relation to disclosure. The amendments apply the duties, remedies and necessary applications contained therein, including the provisions applicable to hearings on the non disclosure of sensitive information, to applications made under the Double Jeopardy (Scotland) Act 2011. Many of the amendments contain references to terms and sections inserted into Part 6 of the 2010 Act by section 13 of this Act. In particular, they create references to the terms “2011 Act proceedings” and “respondent” defined in new section 140A of the 2010 Act, being inserted by section 13 of this Act.