

*These notes relate to the Double Jeopardy (Scotland) Act
2011 (asp 16) which received Royal Assent on 27 April 2011*

DOUBLE JEOPARDY (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Other subsequent prosecutions

Section 12 Nullity of proceedings on previous indictment or complaint

64. This section applies where the prosecutor is of the view that a previous trial was a fundamental nullity and wants to raise a fresh prosecution. In such circumstances, the prosecutor needs to make an application to the High Court for authority to prosecute anew.
65. Subsection (3) sets out the test the High Court needs to consider before granting authority to prosecute.