



Double Jeopardy (Scotland) Act 2011

2011 asp 16

Exceptions to rule against double jeopardy: common provisions

5 Applications under sections 2, 3 and 4

- (1) On making an application under section 2(2), 3(3)(b) or 4(3)(b), the Lord Advocate is to send a copy of the application to the acquitted person.
- (2) The acquitted person is entitled to appear or to be represented at any hearing of the application.
- (3) For the purposes of hearing and determining the application, three of the Lords Commissioners of Justiciary are a quorum of the High Court (the application being determined by majority vote of those sitting).
- (4) The court may appoint counsel to act as amicus curiae at the hearing in question.
- (5) The decision of the court on the application is final.
- (6) Subsection (3) is without prejudice to any power of those sitting to remit the application to a differently constituted sitting of the court (as for example to the whole court sitting together).