

Status: Point in time view as at 28/11/2011.

Changes to legislation: There are currently no known outstanding effects for the Double Jeopardy (Scotland) Act 2011, Cross Heading: Contempt of Court Act 1981. (See end of Document for details)

SCHEDULE CONSEQUENTIAL AMENDMENTS

Contempt of Court Act 1981

- 1 Schedule 1 to the Contempt of Court Act 1981 (c.49) (times when proceedings are active for the purposes of section 2 of that Act) is amended as follows.

Commencement Information

- I1** Sch. para. 1 in force at 28.11.2011 by S.S.I. 2011/365, art. 3

- 2 After paragraph 1 (meaning of “criminal proceedings” and “appellate proceedings”), insert—

“1ZA Proceedings under the Double Jeopardy (Scotland) Act 2011 (asp 16) are criminal proceedings for the purposes of this Schedule.”.

Commencement Information

- I2** Sch. para. 2 in force at 28.11.2011 by S.S.I. 2011/365, art. 3

- 3 In paragraph 4 (initial steps of criminal proceedings), after sub-paragraph (e) insert—

“(f) the making of an application under section 2(2) (tainted acquittals), 3(3)(b) (admission made or becoming known after acquittal), 4(3) (b) (new evidence), 11(3) (eventual death of injured person) or 12(3) (nullity of previous proceedings) of the Double Jeopardy (Scotland) Act 2011 (asp 16).”.

Commencement Information

- I3** Sch. para. 3 in force at 28.11.2011 by S.S.I. 2011/365, art. 3

- 4 In paragraph 5 (conclusion of criminal proceedings), after sub-paragraph (c) insert—

“(d) where the initial steps of the proceedings are as mentioned in paragraph 4(f)—
(i) by refusal of the application;
(ii) if the application is granted and within the period of 2 months mentioned in section 6(3) of the Double Jeopardy (Scotland) Act 2011 (asp 16) a new prosecution is brought, by acquittal or, as the case may be, by sentence in the new prosecution.”.

Commencement Information

- I4** Sch. para. 4 in force at 28.11.2011 by S.S.I. 2011/365, art. 3

- 5 In paragraph 7 (discontinuance of proceedings), after sub-paragraph (c) insert—

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“(d) where the initial steps of the proceedings are as mentioned in paragraph 4(f) and the application is granted, if no new prosecution is brought within the period of 2 months mentioned in section 6(3) of the Double Jeopardy (Scotland) Act 2011 (asp 16).”.

Commencement Information

I5 [Sch. para. 5](#) in force at 28.11.2011 by [S.S.I. 2011/365](#), [art. 3](#)

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