



# Double Jeopardy (Scotland) Act 2011

## 2011 asp 16

### *Other subsequent prosecutions*

#### **12 Nullity of proceedings on previous indictment or complaint**

- (1) This section applies where—
  - (a) a person has, whether on indictment or complaint, been charged with, and acquitted or convicted of, an offence, and
  - (b) the condition mentioned in subsection (3) is satisfied.
- (2) The person may be charged with, and prosecuted anew for, the offence.
- (3) The condition referred to in subsection (1)(b) is that, on the application of the prosecutor and after hearing parties, the High Court is satisfied that—
  - (a) the proceedings on the indictment or complaint were a nullity, and
  - (b) it is in the interests of justice to proceed as mentioned in subsection (2).