

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Advice and Assistance (Assistance By Way of Representation) (Scotland) Regulations 2003 to make assistance by way of representation available for proceedings under the [Double Jeopardy \(Scotland\) Act 2011 \(asp 16\)](#) where—

- (a) an application has been made under sections 2(2), 3(3)(b) or 4(3)(b) of that Act to bring a new prosecution where a person has been acquitted of an offence;
- (b) an application has been made under section 11(3) of that Act where a person has been acquitted of an offence involving the physical injury of another person and the injured person has since died; or
- (c) an application has been made under section 12(3) of that Act to bring a new prosecution on the basis that the previous proceedings were a nullity.