**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Advice and Assistance (Assistance By Way of Representation) (Scotland) Amendment Regulations 2012 No. 84

## **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.