## **EXPLANATORY NOTES**

# DOUBLE JEOPARDY (SCOTLAND) ACT 2011

#### INTRODUCTION

#### THE ACT

#### **COMMENTARY ON SECTIONS**

## **Double jeopardy**

Section 1 Rule against double jeopardy

## Exceptions to rule against double jeopardy

Section 2 Tainted acquittals

Section 3 Admission made or becoming known after acquittal

Section 4 New evidence

#### Exceptions to rule against double jeopardy: common provisions

Section 5 Applications under sections 2, 3 and 4

Section 6 Further provision about prosecutions by virtue of sections 2, 3 and 4

#### Plea in bar of trial

Section 7 Plea in bar of trial that accused has been tried before

Section 8 Plea in bar of trial for murder: new evidence and admissions

Section 9 Plea in bar of trial: nullity of previous trial

Section 10 Plea in bar of trial: previous foreign proceedings

### Other subsequent prosecutions

Section 11 Eventual death of injured person

Section 12 Nullity of proceedings on previous indictment or complaint

#### **Disclosure of information**

Section 13 Disclosure of information

#### General

These notes relate to the Double Jeopardy (Scotland) Act 2011 (asp 16)

Section 14 Retrospective application of Act

Section 15 Transitional provision etc.

Section 16 Consequential amendments

Section 17 Short title, interpretation and commencement

# **Schedule**

# PARLIAMENTARY HISTORY