Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 1

[[F1]TOBACCO AND NICOTINE VAPOUR PRODUCTS ETC.]

CHAPTER 4

MISCELLANEOUS AND SUPPLEMENTARY

33 Presumption as to contents of container

(1) This section applies for the purpose of any trial in proceedings for an alleged offence under section 1, 4, [[F1]4A, 4B, 4C, 5, 6, 6A or 9] .

(2) Any substance displayed, sold or purchased in a container (whether sealed or not) is presumed to conform to the description of the substance on the container.

(3) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) by proving that, at the time of its display, sale or purchase, the substance in the container did not match the description on the container.

(4) However, a party may lead evidence for the purpose of rebutting the presumption only if the party has, not less than 7 days before the date of the trial, given notice of the intention to do so to the other parties.

Textual Amendments

F1 Words in s. 33(1) substituted (1.4.2017) by Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14), **ss. 14**, 36(2); S.S.I. 2017/12, reg. 2, sch.

Commencement Information

I1 S. 33 in force at 1.4.2011 by S.S.I. 2010/345, art. 2, **Sch.**

Changes to legislation:
There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 33.