



Offensive Weapons Act 2019

2019 CHAPTER 17

PART 1

CORROSIVE PRODUCTS AND SUBSTANCES

Possession of corrosive substances

7 Presumptions in proceedings in Scotland for offence under section 6

- (1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 6(1).
- (2) Where—
 - (a) a substance is found in a container (whether open or sealed), and
 - (b) there is on the container a description of the contents of the container,the substance found is to be presumed to be a substance of that description.
- (3) Subsection (4) applies where—
 - (a) an open container is found,
 - (b) a substance has been poured out of, or otherwise removed from, the container,
 - (c) the container is empty or contains an amount of the substance mentioned in paragraph (b) which is insufficient to allow analysis of it, and
 - (d) the container has on it a description of its contents.
- (4) The container is to be presumed to have contained, immediately before the action mentioned in paragraph (b) of subsection (3) was taken, a substance of the description mentioned in paragraph (d) of that subsection.
- (5) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (4) by proving that, at the time the offence is alleged to have been committed, the substance in the container was not of the description on the container.

Changes to legislation: There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 7. (See end of Document for details)

- (6) 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.

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Commencement Information

II S. 7 in force at 1.1.2021 by S.S.I. 2020/410, reg. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 7.