



# Offensive Weapons Act 2019

## 2019 CHAPTER 17

### PART 1

#### CORROSIVE PRODUCTS AND SUBSTANCES

##### *Sale and delivery of corrosive products*

#### **5 Presumptions in proceedings in Scotland for offence under section 1, 3 or 4**

- (1) This section applies for the purposes of any trial in proceedings for an alleged offence under section 1(1), 3(2) or (3) or 4(4).
- (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) Where an open container is found which—
  - (a) is empty or contains an amount of a substance which is insufficient to allow analysis of it,
  - (b) was sealed at the time it was sold or delivered, and
  - (c) has on it a description of the contents of the container,the container is to be presumed to have contained, at the time it was sold or delivered, a substance of that description.
- (4) At the trial, any party to the proceedings may rebut the presumption mentioned in subsection (2) or (3) by proving that, at the time of its sale or delivery, the substance in the container was not of the description on the container.
- (5) 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.

---

**Changes to legislation:** *There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 5. (See end of Document for details)*

---

---

**Commencement Information**

**II**    [S. 5](#) in force at 1.1.2021 by [S.S.I. 2020/410](#), [reg. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Offensive Weapons Act 2019, Section 5.