



Licensing (Scotland) Act 2005

2005 asp 16

PART 9

MISCELLANEOUS AND GENERAL

Miscellaneous

140 Presumption as to liquid contents of containers

- (1) This section applies for the purpose of any trial in proceedings for an alleged offence under any provision of this Act.
- (2) Where—
 - (a) liquid is found in a container (whether open or sealed), and
 - (b) there is on the container a description of the liquid contents of the container, the liquid found is to be presumed to be liquid of that description.
- (3) Where an open container is found which—
 - (a) contains—
 - (i) no liquid, or
 - (ii) an amount of liquid insufficient to allow analysis of it,
 - (b) was sealed at the time it was sold or supplied, and
 - (c) has on it a description of the liquid contents of the container, the container is to be presumed to have contained, at the time it was sold or supplied, liquid 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 supply, the liquid in the container was not of the description on the container.
- (5) 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.

Changes to legislation: Licensing (Scotland) Act 2005, Section 140 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

II S. 140 in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)