



# Fireworks and Pyrotechnic Articles (Scotland) Act 2022

2022 asp 9

## PART 6 **S**

### EXEMPTIONS, ENFORCEMENT AND OTHER MATTERS

#### *Miscellaneous*

#### 46 **Presumptions in proceedings under this Act** **S**

- (1) This section applies for the purposes of a trial in proceedings for an alleged offence under this Act.
- (2) Where an item—
  - (a) is labelled as a firework or other pyrotechnic article, or
  - (b) is not so labelled but is found within a container which is labelled as containing fireworks or other pyrotechnic articles,the item is presumed to be a firework or pyrotechnic article as described on the label or, as the case may be, container.
- (3) At the trial, a party to the proceedings may rebut the presumption mentioned in subsection (2) by proving that, at the time the offence is alleged to have been committed, the item was not a firework or other pyrotechnic article of the description on the item or the container.
- (4) A party may lead evidence for the purpose of rebutting the presumption only if the party has given notice of the intention to do so to the other parties—
  - (a) not less than 7 days before the intermediate diet, or
  - (b) if there is no intermediate diet, not less than 28 days before the date of the trial.

#### **Commencement Information**

- I1** S. 46 not in force at Royal Assent, see [s. 56\(2\)](#)
- I2** S. 46 in force at 10.10.2022 by [S.S.I. 2022/280](#), reg. 2, [sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Fireworks and Pyrotechnic Articles (Scotland) Act 2022, Section 46.