

SCHEDULES

SCHEDULE 21

POISONS AND EXPLOSIVES PRECURSORS

Establishment of common regulatory system

9 After section 7 insert—

“7A Proof of lack of knowledge

- (1) This section applies to the following offences—
 - (a) an offence under section 3(1),
 - (b) an offence under section 3A(1), (3) or (4),
 - (c) an offence under section 3B(1) or (3).
- (2) In any proceedings for an offence to which this section applies, it is a defence for the accused to prove that the accused neither knew of nor suspected nor had reason to suspect the existence of some fact alleged by the prosecution that it is necessary for the prosecution to prove if the accused is to be convicted of the offence charged.
- (3) This is subject to subsection (5).
- (4) Subsection (5) applies where, in any proceedings for an offence to which this section applies—
 - (a) it is necessary, if the accused is to be convicted of the offence charged, for the prosecution to prove that some substance or mixture involved in the alleged offence was the regulated substance that the prosecution allege it to have been, and
 - (b) it is proved that the substance or mixture in question was that regulated substance.
- (5) Where this subsection applies—
 - (a) the accused must not be acquitted of the offence charged by reason only of proving that the accused neither knew nor suspected nor had reason to suspect that the substance or mixture was the particular regulated substance alleged, but
 - (b) the accused must be acquitted of the offence charged if—
 - (i) the accused proves that the accused neither believed nor suspected nor had reason to suspect that the substance or mixture was a regulated substance, or
 - (ii) the accused proves that the accused believed the substance or mixture to be a regulated substance such that, if it had in fact been that regulated substance, the accused would not at the material time have been committing any offence to which this section applies.

Status: This is the original version (as it was originally enacted).

- (6) Nothing in this section affects any defence that it is open to a person accused of an offence to which this section applies to raise apart from this section.”