**Reply 1: The concept of reverse burden of proof**

Thank you for the response; it was indeed full of insights on the topic of discussion. Indeed the reverse burden of proof is a grey area in the law that is largely dependent on the discretional powers of the court[[1]](#footnote-1). It is also true the application reverse burden of proof is determined by factors surrounding a case, albeit the fact that the concept is in contravention of *s.6 of the Human Rights Act 1998*. Quite interestingly, laws such *S. 40 of the Health and Safety at Work Act 1974 ("HSWA")* places the burden of proof on the defendant in offences comprising of a failure to comply with duty at the place of work[[2]](#footnote-2). Such laws go against Conventional rights because they create a presumption that the defendant is guilty until proven innocent in a court of law.

However, as stated by the court of appeal in *Davies v Health and Safety Executive (2002*), the *reverse onus* is applicable where it is where necessary, justifiable, and proportionate[[3]](#footnote-3). In essence, we agree that the court must determine the justice and fairness of imposing a reversed burden of proof to ensure that it is reasonable and indispensable.

1. Regina v Johnstone, etc: CACD 1 Feb 2002. [↑](#footnote-ref-1)
2. S. 40 of HSWA [↑](#footnote-ref-2)
3. Davies v Health and Safety Executive | [2002] EWCA. [↑](#footnote-ref-3)