



Home Office / Trading Standards Joint Campaign Selling Chemicals Responsibly

Information on new and existing laws affecting businesses

Background: The Poisons Act 1972 controls the sale of certain explosives precursors and poisons. The aim of the legislation is to control chemicals and poisons that can be used to cause harm while still allowing members of the general public and businesses with a legitimate need to access these substances to continue their activities.

The Offensive Weapons Act 2019 prohibits the sale and delivery of corrosive products to under 18s and the delivery of corrosive products to residential premises and lockers. The provisions apply to England, Wales and Scotland.

It has been identified that certain chemical products such as high strength drain cleaners are still regularly being sold by independent retailers without the necessary safeguards in place to ensure illegal sales do not take place. These products can be dangerous when not used by professional users due to their highly corrosive properties and have been known to cause damage to household pipes and injury to people from accidental incidents and intentional attacks. They also pose a risk as regulated explosive precursors.

Licensing of Regulated Explosives Precursors and Poisons: A member of the public can only purchase regulated explosives precursors and poisons with a valid licence. Business to business sales and substances restricted to professional users are exempt from licensing requirements. When selling a regulated substance to members of the public the retailer must have effective systems in place for preventing unlawful sales.

Relevant Poisons Act 1972 Offences:

Section 3A(1): It is an offence to sell or supply a regulated substance to a member of the public who does not hold a valid Explosive Precursor and Poisons (EPP) licence. CCCJS offence code: PA72004.

Section 3A(3): It is an offence to fail to enter the details of the transaction of a regulated substance onto the EPP licence before supply. CCCJS offence code: PA72005.

Section 3A(4): It is an offence to supply regulated substances to a member of the public without first affixing the correct warning label to the product. CCCJS offence code: PA72006.

From the 1st October 2023 the Poisons Act 1972 was amended under The Control of Explosive Precursors and Poisons Regulations 2023

Professional User verification

From 1 October 2023 businesses supplying regulated explosives precursors to professional users and other businesses (i.e., those who don't need a licence) will need to take additional steps to verify the legitimacy of the professional user or business.

The person making the sale must obtain the following from the business customer

- the business customer's name and address. If the business customer is not an individual, the name of an individual who is authorised on behalf of the business customer should be recorded;
- a form of photographic identification of the business customer or, if the business customer is not an individual, of the individual making the purchase;
- a statement of the nature of the business customer's trade, business or profession, or of the public function that the business customer performs; and
- the business customer's VAT registration number, if the business customer has such a number.

This information must be recorded and retained for 18 months and available for inspection.

In all cases, the supplier should assess whether the intended use is reasonably consistent with the trade, business or profession. If in doubt, the sale must be refused and reported as a suspicious transaction within 24 hours.

Businesses and professional users should be verified every time a new purchase is made. Where regulated substances are being supplied frequently or on a routine basis to the same professional user or business, verification should occur every 18 months or whenever there is a change or deviation from normal purchasing patterns.

For the purposes of this requirement, examples of photographic identification can include: passport, driving license, trade identification card, business ID card. This list is not exhaustive.

Supply Chain Notification

From 1 October 2023 businesses supplying regulated and reportable substances to another businesses must inform them that the products they are purchasing are regulated or reportable under the Poisons Act 1972. Businesses should ensure they have a process in place that provides those in the supply chain with an awareness of their obligations under the Poisons Act when that product is sold on.

Consideration should be given to implementing one of the following methods of notification:

- Notification flag when making an order.
- Separate email notification when a purchase is made.
- Providing notices on shipping information (invoices).
- Providing a separate information note with deliveries.

This is not a prescriptive list and businesses should utilise methods of notification that will work for their business within the environment that they operate.

Businesses supplying any substances to professional users or members of the public must also ensure and be able to demonstrate that its **staff are aware** which of its products contain listed substances and are instructed on obligations and the potential offences which apply.

When to notify Police of a breach of the Poisons Act 1972

Enforcement: The Police are responsible for enforcing the Poisons Act legislation. The General Pharmaceutical Council also play a part in their role as the pharmacy regulator and inspectorate body in relation to the sale of poisons.

It is not illegal for a supplier to sell a substance regulated under the Poisons Act 1972, as long as the sale is made to verified businesses/trade professionals in line with their area of work, or to members of the public with a valid Explosive Precursor and Poisons (EPP) licence.

Therefore, in the first instance if the supplier is selling a regulated substance, and there is no evidence of sale contrary to the above. We advise that the supplier is notified that they have a regulated substance for sale and ensure they understand their legal requirements. We would advise that if the supplier does not have the capability to ensure the relevant safeguards to verify business users, check members of the public have a valid EPP licence and keep suitable records of regulated chemical sales, that they cease the sale of these products. Guidance should be provided along with contact details for the Home Office Chemical Reporting Team.

Should evidence of any offences taking place arise (e.g. confirmed sale to a member of the public without an EPP licence), we would encourage the details of that breach to be reported to the relevant police force. Any report should be accompanied with the Police Information Notice attached to this package.

Some products in scope to look out for and advise on are:



Refer a Seller to the Home Office

If you have concerns about a seller complying with legislation but have no confirmed offences, refer them to us through 'Refer a Seller'. Go to our Gov.UK guidance page and follow the link under section 1.1.

List of Regulated Explosive Precursors under the Poisons Act 1972

Current regulated explosives precursor	Concentration above which a licence is required (w/w)
Hydrogen peroxide	12%
Nitric acid	3%
Sulfuric acid	15%
Nitromethane	30%
Potassium chlorate	40%
Potassium perchlorate	40%
Sodium chlorate	40%
Sodium perchlorate	40%
Ammonium Nitrate	16%
Hexamine	N/A
Hydrochloric acid	10%
Phosphoric acid	30%

Schedule 1 of the Offensive Weapons Act 2019

Name of substance and Chemical Abstracts Registry Number (CAS RN)	Concentration limit (weight in weight)
Ammonium hydroxide (CAS RN 1336-21-6)	10% w/w
Formic acid (CAS RN 64-18-6)	10% w/w
Hydrochloric acid (CAS RN 7647-01-0)	10% w/w
Hydrofluoric acid (CAS RN 7664-39-3)	0% w/w
Nitric acid (CAS RN 7697-37-2)	3% w/w
Phosphoric acid (CAS RN 7664-38-2)	70% w/w
Sodium hydroxide (CAS RN 1310-73-2)	12% w/w
Sodium hypochlorite (CAS RN 7681-52-9)	10% w/w
Sulfuric acid (CAS RN 7664-93-9)	15% w/w

Guidance Available to Retailers

Leaflets and Posters can be printed ahead of the campaign to assist with engagement. Please contact the Home Office to request hard copies of our leaflets and posters via the Chemical Reporting Team email: ChemicalReportingTeam@HomeOffice.gov.uk

Resources - Selling Chemicals Responsibly

- Protect UK Site and awareness raising video - [Poisons Act 1972 – Selling chemicals responsibly | Protect UK](#)
- Selling Chemicals responsibly posters and leaflets - [Selling Chemicals Responsibly: Leaflet and Posters | ProtectUK](#)
- For more information on the Offensive Weapons Act, The Poisons Act and other laws that may affect your business visit www.businesscompanion.info and search for acids and corrosive substances
- For the full Home Office guidance on supplying explosives precursors and poisons visit this page: [Supplying explosives precursors and poisons - GOV.UK \(www.gov.uk\)](http://www.gov.uk)