
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 1A to the Poisons Act 1972 (c. 66) (“the Act”) to include sulfuric acid in the list of regulated explosives precursors where it is concentrated above 15% weight in weight, and to include aluminium powders and magnesium powders (each above a concentration threshold of 70%, with a particle size less than 200µm), and magnesium nitrate hexahydrate in the list of reportable explosives precursors.

Regulation 2(1) provides that sulfuric acid is included in the list of regulated explosives precursors in Part 1 of Schedule 1A to the Act (it is removed from the list of reportable explosive precursors in Part 3 of Schedule 1A by regulation 2(2)(a)). The effect of this is that a member of the public will now be required to apply for a licence in order to import, acquire, possess or use sulfuric acid concentrated above 15%, in accordance with sections 3 and 4A of the Act. It will also be an offence to supply sulfuric acid in this concentration to a member of the public without first verifying that the member of the public has a licence, entering the details of the transaction in the licence, or ensuring that a warning label is affixed to the packaging, in accordance with section 3A of the Act. The spelling of the term “sulfuric acid” has been updated from “sulphuric acid” to reflect recommended standardised spelling.

Regulation 2(2)(b) adds aluminium powders, magnesium nitrate hexahydrate and magnesium powders to the list of reportable explosive precursors in Part 3 of Schedule 1A to the Act. These chemicals are thereby brought within the suspicious activity reporting regime under section 3C of the Act, and are inserted in accordance with EU Commission Delegated Regulations 2017/214, 2017/215 and 2017/216 respectively.

Regulation 1(3) and (4) provides for later commencement dates for the amendments to the Act relating to sulfuric acid (regulation 2(1) and (2)(a)) to allow for a grace period during which members of the public and suppliers may either utilise or dispose of existing stocks of sulfuric acid of the specified concentration, or during which they may apply for a licence. Regulation 1(3) provides that the offences of importing (section 3(1) and (2)(a) of the Act), acquiring (section 3(1) and (2)(b) of the Act) or supplying (section 3A(1) of the Act) sulfuric acid without the requisite licence having been obtained, or supplying sulfuric acid without following the correct procedure (section 3A(3) and (4) of the Act) do not come into force until 1 July 2018. Regulation 1(4) provides that the offences of possessing (section 3(1) and (2)(c) of the Act) or using (section 3(1) and (2)(d) of the Act) sulfuric acid without a licence do not come into force until 1 November 2018.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is published with the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.