

Public Bill Committee
Offensive Weapons Bill
Houses of Commons
London SW1A 0AA

23 August 2018

Dear Sir

OFFENSIVE WEAPONS BILL

(1) The Chemical Business Association (CBA) represents the UK chemical supply chain. The majority of CBA members are SME companies. They include distributors, manufacturers, traders, carriers, and warehouse operators.

(2) CBA maintains a constant dialogue with the UK Home Office in relation to regulatory issues such as explosive precursors, drug precursors, and counter terrorism. CBA is also actively engaged in all of these issues at the European Union (EU) level. More recently, discussions with the UK authorities have focussed on attacks using corrosive substances and the ability of young people to purchase concentrated chemicals that have been used in these criminal attacks.

(3) As currently drafted, the Offensive Weapons Bill will impact on the chemical supply chain by drawing purely business-to-business transactions into its provisions. This is a surprising development as our previous discussions with the Home Office had only covered retail transactions.

(4) The Bill therefore creates significant regulatory and practical problems for companies supplying key chemical components to the UK's manufacturing and service sectors. The remainder of this note explains the nature and extent of these difficulties.

Business-to-Business transactions

(5) Most business-to-business transactions fall within the new definition of 'remote selling' adopted by the Bill. Typically, transactions begin with an order that may be received by telephone, fax, or more commonly on-line or by e-mail. It will be

accompanied by a purchase order or other reference identification to be used in the subsequent sales invoice.

(6) For corrosive substances, suppliers are interested in concentration, quantity, application, and price. For regular customers placing repeat orders, security factors will already be known and may simply require checking. For new customers CBA member companies apply the 'Know Your Customer' protocols agreed with the Home Office and the National Counter Terrorism Security Office to ensure the order, company, and the proposed application are legitimate.

(7) These agreed protocols do not currently include checking the age of the person placing the order or accepting the subsequent delivery.

(8) However, to be commercially worthwhile, business-to-business transactions deal with significant volumes of corrosive substances that are delivered directly to customers. The risk of illegal diversion from business to business use by or to individuals under the age of 18 is, in our experience, minimal.

Regulatory issues

(9) The current Bill contains provisions relating to firearms, knives, and corrosive substances. By conflating these issues, the legitimate interests of differing business sectors may be compromised. CBA's interest is solely in the chemicals aspects of the Bill.

(10) We believe a more focussed approach may be required in order to align the Bill's firearms provisions with existing regulations, the measures concerning knives, and the legislation covering corrosive substances. This may be necessary to ensure the overall provisions of the legislation are pragmatic, proportionate and sustainable for industry sectors serving legitimate users.

(11) There are aspects of the current draft of the Bill that conflict with existing regulations. For example, the use of the term 'clearly marked to indicate that it contained a corrosive product' requires suppliers to add at significant cost additional labelling over and above the current requirements created by the Classification, Labelling and Packaging of Substances and Mixtures Regulation (CLP).

(12) The Control of Substances Hazardous to Health Regulations (COSHH) along with the CLP labelling regulations already contain specific provisions designed to explain to users that the substance or mixture is corrosive. Adding further information to the packaging not only increases the probability of confusion but may also be contrary to existing regulatory provisions.

(13) During its parliamentary progress, there have been voices suggesting that the age threshold in the Bill should be 21 years rather than 18 years. CBA believes this would be an error and inconsistent with other UK legislation containing an age threshold of 18 years.

(14) It is relevant to note that the application of age limits was considered both at EU level and by the Home Office in a UK context in relation to legislation on explosives precursors. It was deemed too burdensome and in practice too difficult to enforce.

Practicalities

(15) The term 'delivered into the hands of a person aged 18 or over' requires the business-to-business sector to oblige delivery drivers to verify the age of the person physically receiving the order. This requires additional training both in handling the verification process, examining any corroborating documentation, and managing the outcome should doubts remain concerning the age of the recipient. This procedure adds several levels of complexity and cost to the delivery process.

(16) In a retail context, these provisions could simply operate in a similar way to the process for checking the age of individuals buying alcohol or tobacco products. In a business-to-business context, however, they are likely to complicate commercial transactions without materially improving the effectiveness of the legislation.

(17) In conclusion, CBA would be willing, subject to confirmation of suitable dates and venue, to give oral evidence if the Committee deems this worthwhile. It appears the Committee has not, to date, received any oral or other evidence from the chemicals sector.

Yours Faithfully



Peter Newport

Chief Executive

peter.newport@chemical.org.uk

Group House
Southmere Court
Electra Way
Crewe, Cheshire CW1 6GU
Tel: 01270 258200
Fax: 01270 258444
Email: cba@chemical.org.uk
Web: www.chemical.org.uk

