
STATUTORY INSTRUMENTS

2018 No. 451

HEALTH AND SAFETY

**The Poisons Act 1972 (Explosives
Precursors) (Amendment) Regulations 2018**

Made - - - - - *27th March 2018*
Laid before Parliament *3rd April 2018*
Coming into force in accordance with regulation 1(2)
to (4)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 2A(1)(a) and 10(1)(a) of the Poisons Act 1972(1).

In accordance with section 2A(3) of that Act, the Secretary of State, in determining the distribution of substances as between the various Parts of Schedule 1A to that Act, has had regard to the desirability of restricting Parts 3 and 4 to substances that meet the criteria in section 2A(3)(a) and (b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Poisons Act 1972 (Explosives Precursors) (Amendment) Regulations 2018.

(2) Subject to paragraphs (3) and (4), these Regulations come into force on 1st May 2018.

(3) Regulation 2(1) and (2)(a) comes into force on 1st July 2018 for the purposes of—

- (a) the offence, by virtue of section 3(1) and (2)(a) of the Act, of importing a regulated substance(2);
- (b) the offence, by virtue of section 3(1) and (2)(b) of the Act, of acquiring a regulated substance, and
- (c) the offences under section 3A(1), (3) and (4) of the Act, relating to supply of regulated substances(3).

(4) Regulation 2(1) and (2)(a) comes into force on 1st November 2018 for the purposes of—

- (a) the offence, by virtue of section 3(1) and (2)(c) of the Act, of possessing a regulated substance, and

(1) 1972 c. 66. Section 2A is inserted by paragraph 3 of Schedule 21 to the Deregulation Act 2015 (c. 20) and section 10 is inserted by paragraph 14 of Schedule 21 to that Act.
(2) Section 3 is substituted by paragraph 4 of Schedule 21 to the Deregulation Act 2015.
(3) Section 3A is substituted by paragraph 4 of Schedule 21 to the Deregulation Act 2015.

- (b) the offence, by virtue of section 3(1) and (2)(d) of the Act, of using a regulated substance.
(5) In these Regulations, “the Act” means the Poisons Act 1972.

Amendments to Schedule 1A to the Act

- 2.—(1) In Part 1 of Schedule 1A to the Act (regulated explosives precursors)(4)—
- (a) in column 1 of the table, at the end, insert—
“Sulfuric acid (CAS RN 7664-93-9)”;
 - (b) in column 2 of the table, at the end, insert—
“15% w/w”.
- (2) In Part 3 of Schedule 1A to the Act (reportable explosives precursors)—
- (a) omit “Sulphuric acid (CAS RN 7664-93-9)”;
 - (b) at the end, insert—
“Aluminium powders (CAS RN 7429-90-5) with a particle size less than 200µm, as a substance or in mixtures containing 70% or more, by weight, of aluminium and/or magnesium
Magnesium nitrate hexahydrate (CAS RN 13446-18-9)
Magnesium powders (CAS RN 7439-95-4) with a particle size less than 200µm, as a substance or in mixtures containing 70% or more, by weight, of aluminium and/or magnesium”.

27th March 2018

Caroline Nokes
Minister of State
Home Office

(4) Schedule 1A is inserted by paragraph 16 of Schedule 21 to the Deregulation Act 2015.

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.