



BRIEFING PAPER

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Acid attacks

By Sally Lipscombe
Georgina Hutton

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Contributing Authors: Grahame Allen and Rachael Harker, Social and General Statistics, Section 2.2

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Summary

There is increasing concern about the use of acid as a weapon. Statistics released by the Metropolitan Police Service in response to Freedom of Information requests suggest that the number of acid attacks in London has risen sharply in recent years. The statistics indicate that noxious or corrosive fluids – including but not limited to acid – were used in London in 454 crimes in 2016, 261 in 2015 and 166 in 2014.

The sale of certain types of acid (and other dangerous chemicals) is governed by the Poisons Act 1972, as amended by the Deregulation Act 2015. The 1972 Act draws a distinction between “regulated” substances and “reportable substances”:

- Regulated substances – which contain high concentrations of certain chemicals – are now restricted from sale to the general public. If a member of the general public wants to buy any of the regulated substances, they need to apply to the Home Office for a licence to acquire and, from 3 March 2016, to possess and use.
- Reportable substances can be bought without a licence, but retailers are required to report suspicious transactions and significant losses and thefts.

The aim of the 1972 Act is to strengthen the control of chemicals that can be used to cause harm while still allowing those with a legitimate need for the chemicals to continue their activities.

There is no one specific offence of carrying out an acid attack. People who commit such acts would instead be liable for a more general criminal offence. The [Offences against the Person Act 1861](#) sets out the most relevant offences:

- Section 18 - Wounding/causing grievous bodily harm with intent (maximum sentence: life imprisonment)
- Section 20 – Unlawful wounding/inflicting grievous bodily harm (maximum sentence: five years)
- Section 29 - Sending, throwing or using explosive or corrosive substance or noxious thing with intent to do grievous bodily harm (maximum sentence: life imprisonment)

Possession of acid in a public place with intent to use it to cause harm could also be prosecuted as possession of an offensive weapon under section 1 of the [Prevention of Crime Act 1953](#).

Following a recent spate of acid attacks, there have been calls for the Government to introduce further restrictions on the sale of acid (particularly sulphuric acid), and to criminalise the possession of acid without good excuse (in a similar way to the current law on knives).

In October 2017 the Home Office launched a [consultation on offensive and dangerous weapons](#), which included the following proposals on acid:

- Plans for a new offence of possessing a corrosive substance in public;
- Plans for a new offence preventing the sale of “the most harmful corrosive substances” to under 18s; and
- Plans to use the existing powers in the Poisons Act 1972 to reclassify sulphuric acid as a regulated substance.

The consultation closed on 9 December 2017 and the Home Office is currently analysing feedback.

1. The sale of acid

1.1 Background legislation

The sale of certain types of acid is currently regulated under rules governing the sale of specified chemicals that can be used in the illicit manufacture of explosives or to cause harm.

[EU regulation 98/2013](#) on the marketing and use of explosives precursors requires EU member states to restrict sales of certain substances and mixtures that are explosives precursors and can be misused for the illicit manufacture of explosives.

On 26 March 2015, the [Poisons Act 1972](#) was amended via the [Deregulation Act 2015](#) and the [Control of Poisons and Explosives Precursors Regulations 2015](#) were introduced to create a new regime to control sales of explosives precursors and poisons.

The new law draws a distinction between “regulated” substances and “reportable substances”.

- Regulated substances – which contain high concentrations of certain chemicals – are now restricted from sale to the general public. If a member of the general public wants to buy any of the regulated substances, they need to apply to the Home Office for a licence to acquire and, from 3 March 2016, to possess and use.
- Reportable substances can be bought without a licence, but retailers are required to report suspicious transactions and significant losses and thefts. Sulphuric acid is a reportable substance (see Section 1.3, Box 3 below).

In addition to simplifying the regulatory system and bringing it into line with EU regulations, the aim of the new system was to strengthen the control of chemicals that can be used to cause harm while still allowing those with a legitimate need for the chemicals to continue their activities.¹

It should be noted that all licences issued under the Control of Explosives Precursors Regulations 2014 will continue to remain valid until expiration.

1.2 Overview of the current regime

The main provisions of the amended [Poisons Act 1972](#) and the [Control of Poisons and Explosives Precursors Regulations 2015](#) are as follows.

Licensing of Regulated Poisons and Explosives Precursors

A member of the general public can only **purchase** (i.e. acquire or import) regulated substances with a valid licence issued by the Home Office and an associated photographic identity document. Business-to-

¹ [Explanatory Memorandum to the Control of Poisons and Explosive Precursors Regulations](#), 2015, para 7.1

business sales and substances restricted to professional users are exempt from the licensing requirements.

In practice, a member of the public will need to present their licence to the supplier with the same photo ID they provided details of in the licence application form. The supplier will then record details of the transaction on the licence.

It is important to note that all licences issued before 26 May 2015 under the Control of Explosives Precursors Regulations 2014 will continue to remain valid until expiration.

Members of the public who want to **possess** or **use** regulated substances must, since 3 March 2016, hold a valid licence issued by the Home Office and an associated photographic identity document. The Home Office has published [Advice for home users on the Poisons Act 1972 and the Control of Poisons and Explosives Precursors Regulations 2015](#) (last updated 19 August 2016).

Labelling

Pharmacies (chemists) are required to label regulated poisons and explosives precursors that are intended for sale to the general public stating that "Acquisition, possession or use by the general public is restricted."

Suspicious Transaction Reporting

Retailers of reportable poisons and explosives precursors above the current concentration thresholds are required to report suspicious transactions and significant losses and thefts to the police. It is important to note that this requirement covers business-to-business sales, wholesale transactions and the sale of products for home use.

Home Office guidance gives the following pointers on identifying suspicious transactions:

The below list of indicators is not exhaustive, but may be seen as a reference list, helpful for the purpose of identifying potential suspicious transactions.

- You are aware that the customer has previously been refused from purchasing a regulated or reportable product;
- The customer has presented a stolen licence, or has altered the licence in some way;
- The customer is not familiar with the regular use(s) of the product(s), nor with the handling instructions;
- The customer refuses alternative products or products with a lower (but for the proposed use sufficient) concentration;
- Insists on paying cash, especially large amounts; and
- Requests packaging or delivery methods that deviate from what would be ordinary, advised, or expected.

Reporting a Suspicious Transaction

You should report the details of the sale to the anti-terrorist hotline on 0800 789321. Police counter-terrorism specialists would then decide whether to take further action.²

Enforcement

The Police are responsible for enforcing the new law and a new set of offences has been created. The [General Pharmaceutical Council](#) will continue in their role as the pharmacy regulator and inspectorate body.

1.3 Regulated and reportable substances

Regulated substances (explosives precursors and poisons) are chemicals that are capable of being used to cause harm. They may also have legitimate everyday uses in the home or in hobby activities. The relevant chemicals are listed in Schedule 1A to the [Poisons Act 1972](#).

Which substances are licensed?

If the substance is present in a concentration above a stipulated threshold (see **Box 1** and **2** below) a valid licence and associated photo ID licence is required for their acquisition, importation, possession and use by a member of the public.

In effect, any member of the general public who is not using the regulated chemicals as part of their trade, business or profession will need to have a licence to acquire (and since 3 March 2016, to possess and use) the regulated chemicals. In addition, regulated poisons must only be supplied to the public by or under the supervision of a registered pharmacist.

Although business to business transactions are outside of licensing requirements, a person may be asked to show evidence of their business, trade or profession and explain their intended use of the chemicals.

Box 1: Regulated substances: explosives precursors

These are the concentration thresholds for explosives precursors:

- hydrogen peroxide: 12% w/w
- nitromethane: 30% w/w
- nitric acid: 3% w/w
- sodium chlorate: 40% w/w
- potassium chlorate: 40% w/w
- sodium perchlorate: 40% w/w
- potassium perchlorate: 40% w/w

Box 2: Regulated substances: poisons

These are the concentration thresholds for poisons:

- Aluminium phosphide
- Arsenic and its compounds (other than calcium arsenites, copper acetoarsenite, copper arsenates, copper arsenites, lead arsenates)

² Home Office, [Guidance for Pharmacies selling non-medicinal poisons to the general public](#), May 2015, paras 20-21

- Barium salts (other than barium sulphate, barium carbonate and barium silicofluoride)
- Bromomethane
- Chloropicrin
- Fluoroacetic acid, its salts and fluoroacetamide
- Hydrogen cyanide and metal cyanides (other than ferrocyanides and ferricyanides)
- Lead acetates and compounds of lead with acids from fixed oils
- Magnesium phosphide
- Mercury and its compounds (including: nitrates of mercury; oxides of mercury; mercuric cyanide oxides; mercuric thiocyanate; ammonium mercuric chlorides; potassium mercuric iodides; organic compounds of mercury which contain a methyl group directly linked to the mercury atom)
- Oxalic acid- 10% w/w
- Phenols (phenol; phenolic isomers of cresols, xylenols, monoethylphenols); compounds of phenols with a metal; 60% w/w of phenols or, for compounds of phenols with a metal, the equivalent of 60% w/w of phenols
- Phosphorus yellow
- Strychnine and its salts and its quaternary compounds
- Thallium and its salts

Retailers of reportable poisons and explosives precursors (see **Box 3** below) above the current concentration thresholds are required to report suspicious transactions and significant losses and thefts.

Box 3: Reportable substances

Explosive precursors:

- ammonium nitrate
- acetone
- hexamine
- sulphuric acid
- potassium nitrate
- sodium nitrate
- calcium nitrate
- calcium ammonium nitrate

Poisons:

- Aldicarb
- Alpha-chloralose
- Ammonia 10% w/w
- Arsenic, compounds of, the following: calcium arsenites; copper acetoarsenite; copper arsenates; copper arsenites; lead arsenates
- Barium, salts of, the following: barium carbonate; barium silicofluoride
- Carbofuran
- Cycloheximide
- Dinitrocresols (DNOC) their compounds with a metal or a base
- Dinoseb its compounds with a metal or a base
- Dinoterb
- Drazoxolon; its salts
- Endosulfan
- Endothal its salts

- Endrin
- Fentin compounds of
- Formaldehyde 5% w/w
- Formic acid 25% w/w
- Hydrochloric acid 10% w/w
- Hydrofluoric acid alkali metal bifluorides; ammonium bifluoride alkali metal fluorides; ammonium fluoride sodium silicofluoride
- Mercuric chloride mercuric iodide; organic compounds of mercury except compounds that contain a methyl (CH₃) group directly linked to the mercury atom
- Metallic oxalates
- Methomyl
- Nicotine its salts; its quaternary compounds
- Nitrobenzene 0.1% w/w
- Oxamyl
- Paraquat salts of
- Phenols (as defined in part 2 of this schedule) in substances containing no more than 60%, weight in weight, of phenols; compounds of phenols with a metal in substances containing no more than the equivalent of 60%, weight in weight, of phenols
- Phosphoric acid
- Phosphorus compounds, the following: azinphos-methyl, chlorfenvinphos, demephion, demeton-S-methyl, demeton-S-methyl sulphone, dialifos, dichlorvos, dioxathion, disulfoton, fonofos, mecarbam, mephosfolan, methidathion, mevinphos, omethoate, oxydemeton-methyl, parathion, phenkapton, phorate, phosphamidon, pirimiphos-ethyl, quinalphos, thiometon, thionazin, triazophos, vamidothion
- Potassium hydroxide 17% of total caustic alkalinity
- Sodium hydroxide 12% of total caustic alkalinity
- Sodium nitrite
- Thiofanox
- Zinc phosphide

Products of particular interest are those in which a reportable chemical is either:

- present on its own or the main ingredient
- present in a simple mixture, typically less than 5 ingredients

Products containing less than 1% of any of the reportable chemicals, or fertilizers that are not labelled for nitrogen (N) content are, in general, of no concern.

1.4 Criminal offences

The [Poisons Act 1972](#) as amended introduces the following offences.

Acquiring and importing - It is an offence for a member of the public to acquire or import any of the regulated substances without holding a valid licence issued by the Home Office. If found guilty of this offence, there is a maximum penalty of 2 years' imprisonment and/or a fine.

Supplying – Since 26 May 2015, it is an offence to supply a member of the public any of the regulated substances if they do not hold a valid licence issued by the Home Office to acquire, import, possess and use

that substance. If found guilty, there is a maximum penalty of 2 years' imprisonment and/or a fine.

Possession - Since 3 March 2016, it is an offence to possess or use a regulated substance without holding a valid licence issued by the Home Office. If found guilty of this offence, there is a maximum penalty of 2 years' imprisonment and/or a fine.

Failure to report suspicious transactions or significant disappearance or thefts – on summary conviction in England and Wales, there is a maximum penalty of 3 months' imprisonment and/or a fine.

1.5 The licensing process

As already mentioned, the [Home Office](#) is the licensing authority. There is an online application form. On receipt of an application (and supporting document, including proof of identity), the Home Office will conduct checks into the applicant's suitability, including criminal record and health checks. Offences that might be considered relevant to these checks are listed in [due diligence checks](#). There is a non-refundable application fee.³

If the applicant is not a UK National they will need to provide evidence that they can legally reside in the UK. In addition, they will need to provide a Certificate of Good Conduct from their native country.

If granted, the licence will be valid for a maximum of **3 years**. If, however, the documentation provided during the application process is valid for a period of less than 3 years from the date the licence is granted, the licenceholder will be required to reapply for a licence once the documentation has expired.

A licence may cover more than one regulated substance. Each substance a member of the public may wish to acquire, possess or use must be listed on their licence. Conditions may be placed on the maximum concentration, quantity of substance or storage arrangements.

A licence must be amended immediately if the licence-holder:

- has changed their name since their current licence was issued;
- has changed their address since their current licence was issued ;
- has changed their storage and/or usage address since their current licence was issued;
- needs to change the substances or the volume of those substances that their current licence covers them to acquire, possess or use

Similarly, the Home Office must be notified immediately if there has been any change in the licenceholder's mental health condition and/or a

³ Licence fees cannot be changed without Parliamentary scrutiny

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condition relating to substance misuse that may affect their ability to safely possess and use the substances specified on the licence. If they receive a criminal conviction, they must inform the Home Office without undue delay. This includes motoring offences, binding overs, formal written warnings and cautions and convictions in or outside Great Britain. (However, details of parking offences and fixed penalty notices are exempt).

As part of their licence conditions, the person named on the licence must also inform the Home Office, without undue delay, of the theft, loss or destruction of their licence. The theft of a licence must also be reported to the police.

A licenceholder who fails to advise the Home Office of any changes, is in violation of his/her licence conditions and their licence may be suspended or revoked.

Crucially, if a person is unable to continually demonstrate suitability to hold a licence, their licence may be suspended or revoked. This could result in their being in breach of the [Poisons Act 1972](#) and the [Control of Poisons and Explosives Precursors Regulations 2015](#).

2. The use of acid in attacks

2.1 Criminal offences

There is no one specific offence in England and Wales of carrying out an acid attack. People who commit such acts would instead be liable for a more general criminal offence.

Offences against the person

The following offences under the [Offences against the Person Act 1861](#) are most likely to be relevant for acid attacks:

- Section 18 - Wounding/causing grievous bodily harm with intent (maximum sentence: life imprisonment)
- Section 20 – Unlawful wounding/inflicting grievous bodily harm (maximum sentence: five years)
- Section 29 - Sending, throwing or using explosive or corrosive substance or noxious thing with intent to do grievous bodily harm (maximum sentence: life imprisonment)

Details of these offences can be found in the Crown Prosecution Service legal guidance: see [Offences against the Person, incorporating the Charging Standard](#).

The [Sentencing Council Assault Definitive Guideline](#) specifically lists the use of acid as an aggravating factor (indicating higher culpability) when sentencing for a section 18 or 20 offence.

Possession offences

Carrying acid in a public place with intent to use it in an attack could also potentially be prosecuted under offensive weapons legislation.

Under section 1 of the [Prevention of Crime Act 1953](#) it is an offence for a person to have an “offensive weapon” with him in any public place without lawful authority or reasonable excuse.

[Section 1A of the 1953 Act](#) and [section 139AA of the Criminal Justice Act 1988](#) set out aggravated possession offences, which involve having an offensive weapon in a public place or on school premises and using it to unlawfully and intentionally threaten another person in such a way that there is an immediate risk of serious physical harm. For both of these aggravated offences, physical harm is considered “serious” if it amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861.⁴

“Offensive weapon” for the purpose of these offences is defined as

any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him or by some other person.

⁴ “Grievous bodily harm” equates to “really serious harm”: see the CPS website, [Offences against the Person, incorporating the Charging Standard](#) for further details

This definition captures three categories of article:

- Articles **made** for causing injury to the person
- Articles **adapted** for use for causing injury to the person
- Articles that are not specifically made or adapted for the purpose of causing injury, but which may be considered offensive if a court or jury decides that the defendant **intended them to be used for the purpose of causing injury** to the person.

Acid would fall within the last of these categories, as it is not in itself an article made or adapted for use for causing injury to the person. A successful prosecution would therefore involve proving that the defendant intended to use the acid for the purpose of causing injury to the person.

A more detailed overview of the 1953 Act is set out in [Library Briefing Paper SN00330 Knives and offensive weapons](#).

There has been some speculation that carrying acid in a bottle might constitute an offence under [section 5\(1\)\(b\) of the Firearms Act 1968](#), which prohibits a person from possessing “any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing” unless they have the authority of the Home Office. However, case law would suggest otherwise:

In Formosa, a Fairy Liquid washing-up bottle containing 400 millilitres of hydrochloric acid was held not to be a ‘prohibited weapon’ within the meaning of the FA 1968, s5(1)(b), because the bottle was not *altered* by being filled with the acid and, therefore, it was not a weapon ‘designed or adapted’ for the discharge of any noxious liquid within the meaning of the section.⁵

Lord Justice Lloyd highlighted the difficulties in taking the alternative approach:

In the words of Lloyd LJ, a contrary construction ‘would mean that a householder who filled a milk bottle with acid in order to destroy a wasps’ nest would be in possession of a weapon adapted for the discharge of a noxious liquid and would therefore be guilty of the offence of possessing a prohibited weapon; until, of course, he had used the acid for the purpose in question when the milk bottle would revert to its pristine innocence. That could not be right.’⁶

2.2 Acid attack statistics

Home Office statistics

The Home Office does not currently collect statistics on acid attacks, as Home Office minister Brandon Lewis explained in response to a PQ in March 2017:

⁵ *Blackstone’s Criminal Practice*, 2017 edition, para B12.17

⁶ *Ibid*

The Home Office does not collect data on the number of acid attacks. Acid or other corrosive attacks would be recorded though under different offence types, usually assault occasioning actual bodily harm or grievous bodily harm depending on the severity of the injuries inflicted. We are currently working with the National Police Chiefs' Council lead to gather data through police forces to better understand the extent and scale of crimes involving acid and other corrosive substances.⁷

In October 2017 an update was provided by the then Home Office minister Sarah Newton in response to another PQ on what estimate the Home Office had made on the number of acid attacks in the last five years:

The Home Office does not hold the information requested and does not specifically collect data from police forces on acid and other corrosive attacks as part of its regular data collection. Acid and other corrosive attacks resulting in injury are included in Office for National Statistics published statistics within assault with injury offences and assault with intent to cause serious harm offences, but cannot be disaggregated.

The National Police Chiefs' Council undertook a voluntary data collection from police forces between November 2016 and April 2017 and 39 forces provided returns. This found that there had been 408 cases of attacks in the six month period. These figures must be treated with caution, as they are not official statistics and have not been subject to the usual assurance processes. We are working closely with the National Police Chiefs' Council lead on what action can be taken to improve recording and a further data collection is underway.⁸

Freedom of Information statistics

In March 2017, the BBC reported that information published by the Metropolitan Police Service (MPS) in response to a Freedom of Information (Fol) request showed that the number of acid attacks in London had "risen sharply in the last four years".⁹

The tables in the Fol response suggest that noxious or corrosive fluids – including but not limited to acid – were used in London in 454 crimes in 2016, 261 in 2015 and 166 in 2014. The figures also show that the London Boroughs with the highest number of attacks in 2017 were Newham (149 offences), Barking & Dagenham (58 offences), Tower Hamlets (42 offences), Redbridge (27 offences) and Havering (25 offences). These five boroughs are geographically next to each other, to the East of the City of London and North of the River Thames. Sutton was the only London Borough where no offences were recorded.¹⁰

By comparison, and also in response to a Fol about the number of crimes "where the aggrieved has been attacked with any acid, corrosive or noxious substance" between 2014 and 2016, North Yorkshire Police

⁷ [Written question 68535 on Crimes of Violence: Acids](#), 23 March 2017

⁸ [Written question 109629 on Crimes of Violence: Acids](#), 30 October 2017

⁹ "[Sharp rise in attacks involving corrosive fluids in London](#)", *BBC News*, 20 March 2017

¹⁰ For the underlying Fol response, please see Metropolitan Police Information Rights Unit, [Ad-hoc Reference Number 7825](#), 6 March 2017

Force responded that there “there has been one report recorded in 2016 where a noxious substance was sprayed”.¹¹

Hospital admissions

Figures for England are available on the number of hospital “finished admission episodes” (FAEs) with an external cause of assault by corrosive substance:

Finished Admission Episodes (FAEs) with an external cause of assault by corrosive substance in England

2010/11	110	
2011/12	105	
2012/13	97	
2013/14	109	
2014/15	106	
2015/16	98	
2016/17	109	

Source: NHS Digital Hospital Episode Statistics

The number of FAEs has remained relatively stable at just over 100 episodes per annum during the seven year period for which data is given.

¹¹ North Yorkshire Police, [Fol response 1227.2016-17](#), 2 June 2017

3. Calls for change

Calls for change have focused on three main issues:

- restrictions on the sale of acid to members of the public;
- new criminal offences relating to possession of acid; and
- sentencing.

3.1 Petitions

The [UK Government and Parliament Petitions website](#) has hosted a number of e-petitions on the law relating to acid attacks:

- In 2016 there was a [petition](#) calling for the regulation and control of acid sales. The petition closed on 25 March 2016 having received 48 signatures.
- In 2016 there was another [petition](#) calling for all perpetrators of acid attacks to receive a minimum 25 years prison sentence. The Petition closed on 2 April 2016 having received 66 signatures.
- In 2017 there was a [petition](#) to classify acid as an offensive weapon and increase sentences for acid attacks. The petition closed on 3 May 2017 having received 26 signatures.¹²
- In 2017 another [petition](#) was launched calling for a mandatory life sentence for acid attack perpetrators. The petition is due to close in March 2018 and at the time of writing had 973 signatures.

On 27 June 2017, prompted by an acid attack on Resham Khan and her cousin Jameel Muhktar, a petition was launched on the Change.org website calling for greater restrictions on the sale of corrosive substances: see [Prohibit the purchase of acid to those without a licence](#). At the time of writing the petition had attracted in excess of 536,000 signatures.

Ms Khan published an [open letter](#) in support of the petition, in which she called for various actions including:

- A statement from the police condemning corrosive substance attacks and setting out a zero-tolerance stance;
- Changes to regulations on the sale of corrosive substances, and greater responsibility from retailers;
- Stricter punishment for perpetrators of acid attacks;
- New legislation on possession of corrosive substances without good reason, and on treating certain corrosive substances as offensive weapons; and
- The introduction of licensing regulations for the buying of corrosive substances.

¹² This petition closed early due to the 2017 general election being called

3.2 Adjournment debate and Ten Minute Rule Bill

On Monday 17 July 2017 Stephen Timms, whose East Ham constituency has seen a number of acid attacks, led an adjournment debate on the issue of acid attacks.¹³ He called on the Government to:

1. Reclassify sulphuric acid – which is commonly used as a drain cleaner – as a ‘regulated substance’ and require a licence for purchase, as proposed by the British Retail Consortium;
2. Bring the possession of acid – which is not currently a criminal offence – into line with the law on possession of knives;
3. Introduce tougher and more consistent sentences for those found guilty of carrying out acid attacks.¹⁴

Lyn Brown, Member for the neighbouring West Ham constituency, is planning to introduce a Ten Minute Rule Bill on the issue, which she has said will look at putting acid on a similar footing to knives:

I want carrying acid to have a similar status to that of carrying knives. I know this is going to be complex because acid can be used for a number of perfectly acceptable purposes, however, I am hoping that by working with experts in the field, we will be able to come up with a formula that will work to minimise these heinous crimes.¹⁵

Possession of knives is covered by [section 139 of the Criminal Justice Act 1988](#), which makes it an offence for a person to have with him in a public place any article which has a blade or is sharply pointed, except a folding pocket knife with a cutting edge of three inches or less.

It is a defence for the accused to prove that he had good reason or lawful authority for having the article with him in a public place. It is also a defence to show that he had the article with him for use at work, for religious reasons, or as part of a national costume. There is no need for the prosecution to prove that the defendant intended to use the knife to cause harm: the fact of possession is enough in itself.

For a more detailed overview of the current law on the possession and sale of knives, please see [Library Briefing Paper SN00330 Knives and offensive weapons](#).

¹³ [HC Deb 17 July 2017 c682](#)

¹⁴ Stephen Timms website, [Stephen Timms calls for government action on acid attacks](#), 13 July 2017

¹⁵ [“Acid attacks: Lyn Brown and Stephen Timms call for tougher regulation”](#), *Newham Recorder*, 14 July 2017

3.3 The Government's response

Possible controls on sale

Until July 2017, ministerial comment had suggested that the Government's main focus was on working with retailers to look at possible ways of restricting the sale of certain acids.

On 13 June 2016, there was the following exchange between Gareth Johnson MP and Karen Bradley, Parliamentary Under-Secretary of State for the Home Department, following his PQ about what steps the Government are taking to reduce the number of violent acid attacks:

Karen Bradley: I am very aware of the life-changing impact and distress to victims caused by acid attacks, and I am currently working with retailers to identify the best means of restricting sales of products with a high acidic content.

Gareth Johnson MP (Dartford) (Con): Attacks involving acid are, by their very nature, particularly nasty offences. Will the Minister please assure the House that she will work with the Ministry of Justice to ensure not only that adequate resources are made available to tackle the problem, but that deterrent sentences are imposed that properly reflect the life-changing nature of these offences?

Karen Bradley: I assure my hon. Friend that I do work closely with the Ministry of Justice. In fact, my right hon. Friend the Policing Minister, who is also a Justice Minister, is on the Front Bench, and I can assure my hon. Friend that we work very closely on this issue. He is right to say that not only do we want the perpetrators caught and stopped but we want appropriate sentences for this behaviour.¹⁶

On 23 March 2017, Brandon Lewis provided the following written answer to a PQ asked by Stephen Timms on what plans the Government has to reduce the number of acid attacks:

Brandon Lewis: Attacks on people involving acids or other corrosives are a serious matter that can result in huge distress and life changing injuries. We are working with retailers to explore what action can be taken to control sales of products with a high acidic content, and we are also working with the National Police Chiefs' Council lead to better understand the extent and scale of crimes involving acid to inform measures to prevent such attacks.¹⁷

And in July 2017, Home Office minister Nick Hurd provided the following answer to a PQ asked by Caroline Lucas on whether the Government planned to restrict the sale of acid:

The Home Office and the National Police Chiefs' Council jointly hosted a meeting on 4 July with medical experts, police, retailers, and officials from a number of Government departments and agencies to share understanding about the nature of attacks and discussed action being taken by the respective agencies. We are currently considering with retailers what action can be taken to

¹⁶ [HC Deb 13 June 2016 c.1432-3](#)

¹⁷ [Written question 68460 on Crimes of Violence: Acids](#), 23 March 2017

restrict access to the most harmful products used in acid and other corrosive substance attacks.¹⁸

The Home Office action plan

On 16 July 2017, the day before Stephen Timms' adjournment debate, the Home Office announced a new action plan "aimed at reducing the number and impact of acid attacks":

As part of the action plan, the Crown Prosecution Service's (CPS) guidance to prosecutors will be reviewed to ensure it makes clear that acid and other corrosive substances can be classed as dangerous weapons, and what is required to prove intent.

In addition, the Poisons Act 1972 will be reviewed to assess whether it should cover more acids and harmful substances, and the Home Office will work with police and the Ministry of Justice to assess whether the powers available to the courts, including sentencing, are sufficient to deal with these serious offences.

These measures will form part of a wide-ranging review of the law enforcement and criminal justice response, existing legislation, access to harmful products and the support offered to victims.

New guidance will also be provided to police officers on preventing attacks, searching potential perpetrators for harmful substances and responding to victims at the scene. And further work will also take place with retailers to agree measures to restrict sales of acids and other corrosive substances.¹⁹

Other measures in the plan include:

- improving police recording and reporting of offences;
- commissioning research to better understand the motivations for carrying out these attacks;
- confirming appropriate support is provided to victims, from the initial medical response to giving evidence in court and the long-term recovery beyond; and
- ensuring that victim impact statements are completed in every case by the police so courts are made aware of the full impact of the attack. The police will also be encouraged to prepare Community Impact Statements to show how such attacks have affected communities.²⁰

Speaking during the adjournment debate, Home Office minister Sarah Newton indicated that work on the action plan was already underway. She said that in September 2017 she would update "interested" colleagues and would "seek an opportunity to update the House" on progress that had been made over the summer. She indicated that certain elements of the plan might require changes in legislation, in which case the Home Office would seek "the earliest possible legislative opportunity".²¹

¹⁸ [Written question 2974 on Crimes of Violence: Acids](#), 11 July 2017

¹⁹ Home Office press release, [Home Secretary announces action plan to tackle acid attacks](#), 16 July 2017

²⁰ Ibid

²¹ [HC Deb 17 July 2017 cc687-8](#)

Consultation on offensive weapons

In October 2017, during her speech at the Conservative Party Conference, the Home Secretary announced that the Government intended to legislate for:

- a new offence preventing the sale of acid to under-18s;
- a new offence (modelled on current legislation about carrying knives) of carrying acid in public “without good reason”; and
- greater restrictions on the sale of sulphuric acid, particularly given its role in homemade explosive devices known as “mother of Satan” explosives.²²

A Home Office press release explained that views on the proposed measures would be sought as part of a more wide-ranging consultation on offensive weapons, which would also cover knives and firearms.²³

The consultation itself was published on 14 October 2017.²⁴ It closed on 9 December 2017 and the Home Office is currently analysing feedback. There are three main proposals on acid.

A new possession offence

The first proposal on acid is to legislate for a new offence of “possessing a corrosive substance in a public place”. This offence would be modelled on the existing offence of possessing a bladed article in a public place, as set out in [section 139 of the Criminal Justice Act 1988](#).

The Government envisages that similar defences to those that exist for section 139 will apply: for example if the person could prove they had a good reason or lawful authority for having the corrosive substance. The prosecution would no longer need to show that the person intended to use the acid to cause injury (as is currently the case for prosecutions under section 1 of the [Prevention of Crime Act 1953](#)).

The Government proposes that the maximum penalty for the new offence should be similar to the maximum penalty for the section 139 offence. This is six months imprisonment and/or a fine (in the magistrates’ court) or four years imprisonment and/or a fine (in the Crown court).

The Government also plans to create a minimum custodial sentence for those convicted of a second or subsequent offence of possession of a corrosive substance in a public place. Again, this mirrors current knife legislation, which sets out a minimum six month sentence (for repeat

²² Home Secretary’s speech at the Conservative Party Conference, 3 October 2017, as reported in (for example) “[Sale of acids to under-18s to be banned, Amber Rudd says](#)”, *BBC News*, 3 October 2017

²³ Home Office, [Home Office to consult on measures to clamp down on the use of offensive and dangerous weapons](#), 3 October 2017

²⁴ [Offensive and dangerous weapons: new legislation](#), Gov.uk [accessed 17 December 2017]

knife crime offenders aged 18 or over) or four month detention and training order (for repeat knife crime offenders aged 16 or 17).²⁵

Sales to under 18s

The second proposal on acid is to legislate for a new offence preventing the sale of “the most harmful corrosive substances” to under 18s. Again, the Government anticipates this being modelled on existing knife legislation.²⁶

To support this new offence the Government is considering listing “the most harmful corrosive substances” – including relevant concentration levels – in statutory guidance or possibly secondary legislation.

The new offence would apply to online sales as well as sales in person, and there would be defences available for retailers in respect of taking reasonable precautions and exercising due diligence.

The Government proposes that the penalties for the new offence would be similar to those for the offence of selling knives to under 18s: that is, a term of imprisonment not exceeding six months, or an unlimited fine, or both.

Reclassification of sulphuric acid

Finally, the Government is also proposing to use the existing powers in the Poisons Act 1972 to bring forward secondary legislation to make sulphuric acid a regulated substance, which would mean the purchaser must have a licence to buy.

²⁵ As introduced by [s28 of the Criminal Justice and Courts Act 2015](#)

²⁶ See [Section 141A of the Criminal Justice Act 1988](#)

4. International responses

4.1 Acid Survivors Trust International

The UK-based charity Acid Survivors Trust International (ASTI), has described acid attacks as a “worldwide problem”. The [charity's website](#) includes analysis of the scale of the problem in various countries including the UK, India, Colombia, Pakistan, Nepal, Bangladesh, Uganda and Cambodia.

In 2015 ASTI published [Justice? What Justice? Tackling acid violence and ensuring justice for survivors](#), a comparative review of the position in the UK, Cambodia, Colombia and India.

4.2 United Nations

UN Women²⁷ works at a national and international level to advance gender equality and to end violence against women:

Women's right to live free from violence is upheld by international agreements such as the [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW), especially through [General Recommendations 12 and 19](#), and the 1993 [UN Declaration on the Elimination of Violence against Women](#). UN Women works with countries at the global level to advance the international normative framework through support provided to inter-governmental processes, such as the General Assembly and the [CSW](#). At the country level, UN Women supports Governments in adopting and enacting legal reforms aligned with international standards.²⁸

Part of this work has focused on acid attacks. For example:

UN Women supported women parliamentarians and political leaders in **Pakistan**, as well as non-governmental advocates, in backing passage of sweeping new legislation to prevent the use of acid in attacks on women and to stop harmful customary practices. The Criminal Law Act 2011 for the first time levies prison sentences and fines for acid attacks, which were not recognized as a crime until recently. The Prevention of Anti-Women Practices Act penalizes cultural traditions once viewed as acceptable, including forced marriages.²⁹

In 2009, the United Nations published a [handbook on legislation to prevent violence against women](#).³⁰ In 2011, UN Women published a [supplement](#) to the handbook, which set out a number of

²⁷ The United Nations Entity for Gender Equality and the Empowerment of Women

²⁸ UN Women website, [What we do: ending violence against women](#) [accessed 17 December 2017]

²⁹ Ibid

³⁰ UN Department of Economic and Social Affairs - Division for the Advancement of Women, [Handbook for Legislation on Violence against Women](#), ST/ESA/329, July 2009

recommendations on “harmful practices” against women.³¹ The handbook included the following recommendations on acid attacks:

- Legislation should define an “acid attack” as “any act of violence perpetrated through an assault using acid. The definition should focus “on the modality of the crime, rather than the specific motivation”, as there were various motivations for acid violence (e.g. dowries, refusal of marriage or sexual proposals, or land disputes).
- Legislation should also make specific criminal law provision for acid attacks, including:
 - a specific acid attack offence;
 - criminalisation of the unlicensed sale of any type of acid;
 - regulation of the sale of any type of acid; and
 - making it mandatory for medical personnel to report cases of bodily harm caused by acid to the police.

The supplement said that it was “critical to punish not only those involved in the acid attack itself but also anyone who trades illegally in acid”.

UN Women’s [Virtual Knowledge Centre to End Violence Against Women and Girls](#) gives an overview of legislative activity in Bangladesh, Cambodia and Pakistan.

One report by a number of women’s rights and human rights groups (led by the the Avon Global Center for Women and Justice at Cornell Law School), argued that gender-based acid attacks are against international law because they are prohibited by the [Convention on the Elimination of All Forms of Discrimination Against Women](#).³²

The report argued that governments have an obligation to act against acid attacks, firstly by attacking the root cause: gender inequality. In the shorter term, the report urged governments to pass legislation outlawing the attacks, enforce that legislation and provide redress for victims.

4.3 Country-specific responses

This section looks at legislative activity in selected countries where acid attacks are a particular problem.

Bangladesh

In 2002 Bangladesh enacted the Acid Control Act 2002 and the Acid Crime Prevention Act 2002, making it one of the first countries to pass specific legislation aimed at tackling the supply of acid and its use in

³¹ UN Women, [Supplement to the Handbook for Legislation on Violence against Women: “Harmful Practices” against Women](#), ST/ESA/329, 2011

³² Avon Global Center for Women and Justice at Cornell Law School (and others), [Combating Acid Violence in Bangladesh, India and Cambodia](#), 2011

criminal attacks. UN Women's [Virtual Knowledge Centre to End Violence Against Women and Girls](#) gives the following overview:

Some important features of the laws include:

- Establishment of a National Acid Control Council Fund;
- Establishment of a Rehabilitation Centre for victims of acid crimes;
- Treatment for victims of acid crimes;
- Provision of Legal Aid for victims of acid crimes;
- Locking up shops to prevent the sale of acid and banning transport engaged in carrying acid;
- Temporary cancellation of acid selling licenses;
- Capital punishment of the acid thrower and penalty of up to Tk 1 lakh (approximately US\$ 1,709);
- Judgment in special tribunals;
- Judgment in the absence of the criminal;
- Power of the Magistrate to take record of witnesses anywhere.

See also the work of the [Acid Survivors Foundation](#) in Bangladesh. The Foundation's website includes an [overview of the 2002 Acts](#) and [statistics](#) for acid attacks in Bangladesh.

In Bangladesh, the [UN Population Fund](#) had a programme of work with the authorities to try to eradicate acid attacks by 2015.

Pakistan

UN Women's [Virtual Knowledge Centre to End Violence Against Women and Girls](#) gives the following overview of legislative activity in Pakistan:

In December, 2011, Pakistan passed the Acid Control and Acid Crime Prevention (Amendment) Act, 2010. The Act amended Pakistan's Penal Code to include the terms "disfigure" and "deface" which are explained as "disfigurement of face or disfigurement of any organ or any part of the organ of the human body which impairs or injures or corrodes or deforms the symmetry or appearance of the person." In addition, the Penal Code was amended to include the following sections:

336A. Hurt caused by corrosive substance. *Whoever with the intention or knowingly causes or attempts to cause hurt by means of a corrosive substance or any substance which is deleterious to human body when it is swallowed, inhaled, comes in to contact or received into human body or otherwise shall be said to cause hurt by corrosive substance:*

Explanation: *In this sub-section, unless the context otherwise requires, "corrosive substance" means a substance which may destroy, cause hurt, deface or dismember any organ of the human body and includes every kind of acid, poison, explosive or explosive substance, noxious thing, arsenic or any other chemical which has a corroding effect and which is deleterious to human body.*

336B. Punishment for hurt by corrosive substance. *Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not be less than fourteen years and a minimum fine of million rupees.*

In December, 2012, The Acid Throwing and Burn Crime Bill, 2012 was submitted for further deliberations. The Acid Throwing and Burn Crime Bill, 2012 expands upon the Acid Control and Acid Crime Prevention (Amendment) Act, 2010 and proposes the following specific definition of acid attack: "any act or omission, caused by corrosive substance/acid to be thrown or administered in any form on the victim with the intention that such person is likely to cause to the other person permanent or partial damage/injury or deformity or disfigurement to any part of the body or organ or cause death of such victim." In addition to providing extensive definitions including broad inclusion of a variety of corrosive substances, the bill provides guidelines for investigation, protection of witnesses, as well as the recognition of medical, legal, and financial support for victims and their dependents. The bill criminalizes an attempt to commit an Acid Crime and imposes liability to officers for negligence or improper investigations. To promote implementation of its terms, the bill establishes the Acid and Burn Crime Monitoring Board and describes its role and responsibilities. The bill also provides for government funding for the Board's functioning.

ASTI says that it is "estimated that up to 400 women fall victim to acid attacks perpetrated by their husbands or in-laws each year, but due to underreporting, only 1,500 cases have been documented over the past 10 years".³³

India

In March 2013, the Indian Parliament passed the [Criminal Law Amendment Act 2013](#). This made a number of amendments to the Indian Penal Code aimed at tackling acid violence. The [Acid Survivors Foundation India](#) describes the key amendments:

The amendment resulted in insertion of sections 326A and 326B for specifically dealing with acid violence. The new Sections 326A and 326B read as follows:

326A. Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

³³ ASTI website, [A worldwide problem: country files – Pakistan](#) [accessed 17 December 2017]

326B. Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.³⁴

However, activists claim that these laws are not being rigorously enforced, with one commenting that “Officially acid is banned but nowhere is that the reality”.³⁵ ASTI echoes these concerns in its country file on India:

Unfortunately evidence suggests that key aspects of the laws are not being effectively enforced; acid remains easy to obtain and many survivors have trouble accessing compensation, medical care and justice. ASTI research reveals that the total time taken for litigation around a case to end is between 5 – 10 years on average and in most cases (76%) the attack is committed by a person who is known to the victim.³⁶

³⁴ Acid Survivors Foundation India website, [Laws concerning acid attacks](#) [accessed 17 December 2017]

³⁵ ‘India’s acid attack victims unite against the horror of their past’, *Guardian*, 20 August 2015

³⁶ ASTI website, [A worldwide problem: country files – Pakistan](#) [accessed 17 December 2017]

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