

businesscompanion

trading standards law explained

Part 1. Acids and corrosive substances

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Background

The Offensive Weapons Act 2019 (OWA) responds to the threat posed by the use of corrosive substances as a weapon to inflict serious harm. Whilst this type of crime is not new, the use of corrosives as a weapon is of significant concern given the life-changing injuries that these substances can inflict. The measures provided by the Act strengthen the powers of the Police, Trading Standards and other partners to be able to tackle these crimes. The provisions are designed to restrict access to those products containing the most harmful corrosive substances by prohibiting the sale and delivery of corrosive products to under 18s.

Batteries (in any form) are exempt from the sales and delivery prohibitions in the OWA. The substance or product has to be contained within a battery to be exempt. This means that battery acid itself is not exempt, nor are acid filler bottles.

Alongside the new laws, the Government has encouraged retailers to sign up to a [voluntary commitment](#) aimed at restricting access by persons aged under 18 to products containing acid and other corrosive substances.

Whilst sold for legitimate uses, products containing certain chemicals can also be misused for criminal purposes. Terrorists, for example, use them to manufacture homemade explosives (these are known as 'explosives precursors'). Other products are poisons, and can be similarly misused for criminal purposes. The Poisons Act 1972 introduced controls including a licensing regime for these products. Members of the public who wish to acquire, import, possess or use these chemicals / products must hold an explosives precursors and poisons (EPP) licence from the Home Office.

The vigilance of sellers has played a key role in enabling the authorities to detect and disrupt these criminal activities. This includes both proactive steps around controlling the purchasing of these products, as well as reporting losses, thefts or suspicious transactions. The guidance in this document aims to help you prevent serious crimes, as well as fulfil your legal obligations.

A number of corrosives subject to the OWA controls are also listed, in the same concentrations, as explosive precursors and poisons and subject to additional controls under the Poisons Act 1972. The OWA defines corrosive products in Schedule 1 to the Act and these are set out later in this guidance.

Selling acids, other corrosive substances and explosives precursors or poisons presents particular challenges. Retailers (both on-premises and remote (for example, online)) must have effective systems in place for preventing unlawful sales.

The controls on these products will depend on whether they are restricted, regulated or reportable.

Restricted products. These are products that have an age restriction, meaning they are prohibited from sale to a person under the legal age limit - for example, acids and other corrosives cannot be sold to those under 18. There are also restrictions on where these products can be delivered.

Regulated products. These are products where the acquisition, possession or use by the general public is restricted without a Home Office licence - for example, explosives precursors and poisons (EPPs). Poisons are regulated products that have restrictions on who can sell them, as well as controls on who can buy them.

Reportable products. These are products where there are legal duties to report significant losses, thefts or suspicious transactions.

Duty of retailers

Under the OWA it is the legal responsibility of sellers to ensure they do not:

- sell age-restricted corrosive products to people who are under the minimum legal age of 18
- deliver, or arrange to deliver, corrosive products to residential addresses or to lockers

Residential premises are defined for the purposes of the OWA as "premises used solely for residential purposes". This definition has been used to ensure that deliveries of corrosive products can be made to businesses that are run from residential premises.

A locker is defined as "a lockable container to which the package was delivered with a view to its collection by the buyer, or a person acting on behalf of the buyer, in accordance with arrangements made between the seller and the buyer". Lockers are often positioned in petrol stations or retail outlets and involve a code being sent to the purchaser in order to open it. They do not easily enable age verification to be carried out at the point of collection.

Sellers must also ensure they do not sell:

- regulated substances (EPPs) above the allowed concentration limits to a member of the public who does not hold a valid Home Office EPP licence
- regulated poisons to a member of the public unless they are a registered pharmacist or they are under the supervision of a registered pharmacist

Sellers must:

- ensure all packages containing a corrosive product are clearly marked* to indicate that they contain a corrosive product and that they must only be delivered into the hands of a person aged 18 or over
- record the details of any transaction of a regulated substance (EPP) on the back of the purchaser's EPP licence (which is a physical piece of paper designed to have these details added to it)
- ensure that if a product containing a regulated EPP substance above the concentration threshold is supplied to an EPP licence holder, it is properly labelled with "Acquisition, possession or use by the general public is restricted"
- identify and report to the national contact point any suspicious transactions, losses or theft of regulated substances or products of concern

[*It is up to the seller to determine how best to meet this marking requirement - for example, by using a sticker or other label. Sellers could consider the use of symbols as part of the package labelling process. However, further advice should be sought on this, noting the requirements of the [GB CLP \(chemical classification, labelling and packaging\) rules](#).]

It is a criminal offence to sell corrosive products to a person under 18.

It is a criminal offence to deliver a corrosive product, or arrange for its delivery, to a residential address or a locker.

Further detail on labelling and on the OWA sales and delivery prohibitions can be found in the [Home Office statutory guidance on the OWA](#), which is available on the GOV.UK website.

See also the GOV.UK guidance for retailers on [licensed transactions for poisons and explosives precursors](#).

Age-restricted corrosive products under the Offensive Weapons Act 2019

Name of substance and Chemical Abstracts Service Registry Number (CAS RN)	Concentration limit (weight in weight)	May be present in
Ammonium hydroxide (CAS RN 1336-21-6)	10%	Household cleaners, disinfectants, stain treaters
Formic acid (CAS RN 64-18-6)	10%	Wart removers, household descalers, food preservatives
Hydrochloric acid (CAS RN 7647-01-0)	10%	Household cleaners (toilet bowl, bathroom tile and other porcelain cleaners), brick and patio cleaners, limescale removers
Hydrofluoric acid (CAS RN 7664-39-3)	0%	Aluminium wheel cleaners, wire cleaners, rust removers
Nitric acid (CAS RN 7697-37-2)	3%	Drain cleaners, toilet bowl cleaners, descalers
Phosphoric acid (CAS RN 7664-38-2)	70%	Bath cleaners, tile cleaners, sink cleaners, toilet bowl cleaners, rust removers

Name of substance and Chemical Abstracts Service Registry Number (CAS RN)	Concentration limit (weight in weight)	May be present in
Sodium hydroxide (CAS RN 1310-73-2)	12%	Drain cleaners, oven cleaners, paint strippers
Sodium hypochlorite (CAS RN 7681-52-9)	10%	Drain cleaners, toilet bowl cleaners, bleach (low concentration), descalers
Sulfuric acid (CAS RN 7664-93-9)	15%	Drain cleaners, brick cleaners, car wheel cleaners, acid for car batteries (sold as such)

Sales of acid: voluntary commitments for retailers

The [voluntary commitment for retailers scheme](#) engages with retailers to agree:

- to comply with the Poisons Act 1972 and promote awareness to staff of what this means. This applies to the sale of products, including those containing levels of acid and other corrosive substances that are either regulated or reportable under the Poisons Act 1972
- not to sell products that contain potentially harmful levels of acid or corrosive substances to people under the age of 18. Where appropriate, this will include applying Challenge 21 / 25 policies when asking for age identification, and supporting staff with till alerts, supervision and the inclusion of the products in age-restricted sales training
- that equivalent age-restriction measures are applied to products sold remotely

Corrosive substances of concern covered by the voluntary commitments

Chemical	Concentration limit (weight in weight)	May be present in
Sulfuric acid	Any	Drain cleaners / unblockers, brick cleaners, car batteries
Sodium hydroxide	12% and over	Drain cleaners / unblockers, paint strippers
Hydrochloric acid	10% and over	Brick and patio cleaners, limescale removers
Ammonium hydroxide	10% and over	Cleaning products
Sodium hypochlorite	10% and over	Cleaning products

The scheme effectively mirrors the subsequent legal age restrictions on these products brought in by the OWA, but also extends this to any concentration of sulfuric acid, and not just products above the 15% weight in weight (w/w) concentration specified in the OWA.

Regulated explosives precursors that require a Home Office EPP licence to be sold to members of the public

Chemical	Concentration limit (weight in weight)	May be present in
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Chemical	Concentration limit (weight in weight)	May be present in
Hydrogen peroxide	12%	Bleach, hair bleach, disinfectants, cleaning agents
Nitromethane	30% (or 24% vol)	Fuel for model engines
Nitric acid	3%	Etching agent, metal treatment, pH adjuster
Sodium chlorate, potassium chlorate, sodium perchlorate and potassium perchlorate	40%	Pyrotechnic kits, aquatic oxygenating tablets
Sulfuric acid	15%	Drain cleaner, brick cleaner, car wheel cleaner, acid for car batteries

Note: sulfuric acid over 15% is also covered by the Offensive Weapons Act age restriction.

Business-to-business transactions are outside of the EPP licensing requirements. However, sellers must still ask to see evidence of the purchaser's business, trade or profession as well as asking the purchaser to explain their intended use of the chemicals; sellers need to satisfy themselves it is a genuine business-to-business transaction and the purchase is not for a malicious purpose.

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 an EPP licence to acquire, possess or use the regulated chemicals.

If someone asks to purchase a regulated explosives precursor, you must:

- check whether the purchase is being made by a member of the public (in which case they will need an EPP licence) or is a business transaction (and therefore exempt from the licensing requirement)
- remember corrosives listed in the OWA such as sulfuric acid are also age-restricted and any purchaser, even if a trade professional or sole trader, must still be 18 or over to buy them
- ask to see their EPP licence and associated photographic ID (if the purchaser is a member of the public)
- check that the licence permits them to buy the product type, quantity and concentration involved and that the purchase is for the specified use
- fill out the back of the licence
- report any suspicious transactions

Reportable products

A reportable product is one that contains any of the substances listed in the table below.

You are legally obliged to report to the national contact point suspicious transactions, significant losses and thefts of products containing the first nine substances in the below table.

Products containing the final four substances in the table are also of concern, but reporting is not mandatory.

Suspicious transactions, losses and thefts must be reported to the national contact point using the [online reporting tool](#), by calling 0800 789321, or by sending an email to chemical.reporting@met.police.uk.

To be a reportable product, a listed chemical should generally be present, either:

- on its own or the main ingredient
- ... or
- in a simple mixture, typically with fewer than five ingredients

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

Substance	Reportable products	Typical products
Any concentration of regulated explosives precursors (see previous section)	As above	Contact lens solution*
Sulfuric acid		Drain cleaner, brick cleaner, car wheel cleaner, acid for car batteries
Hexamine		Solid camping fuel, model steam engine solid fuel
Acetone		Nail varnish remover, household solvent
Potassium nitrate		Food preservative, fertiliser, pyrotechnics
Sodium nitrate		Fertiliser
Calcium nitrate		Fertiliser
Calcium ammonium nitrate		Fertiliser
Ammonium nitrate (more than 16% nitrogen by weight)		Fertiliser
Other chlorate, perchlorate and nitrate salts		Chemical compounds
Permanganate salts		Disinfectant
Fine metal powders such as aluminium and magnesium		Pyrotechnic supplies, paint supplies
Products marked with a skull and cross bones warning label		Pest control, cleaning products

[*Hydrogen peroxide in soft contact lens solution at a concentration under 12% is not reportable, but all suspicious transactions of any strength should be reported.]

How to identify products of concern

The following steps will help you sell responsibly and meet your legal requirements.

1. Check whether your products contain any of the above listed chemicals or are labelled with the 'skull and crossbones' pictogram. The ingredients of a product can normally be found on the label, in the safety

data sheet or in other product information. If you cannot find this information, contact your supplier.

2. Identify the products of concern. Products of concern are those in which a listed chemical is present, either:

- on its own or the main ingredient
 - ...or
- in a simple mixture, typically five or less ingredients

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

4. Inform your staff of the products of concern, what to look out for and how to report them.

5. If possible, store the products so that they can be easily monitored by your staff - for example, close to or behind the sales counter or, if feasible, in a locked storeroom.

6. Periodically carry out stock checks to monitor stock movement and any potential losses / thefts.

7. Periodically review your stocked products to ensure the information remains up to date.

Complying with the law

1. Identify which of your products are affected by suspicious transaction reporting requirements.

2. Implement a system that reminds sales staff / delivery staff or agents that a product requires suspicious transaction reporting.

3. Be clear with staff about suspicious behaviours (see the box on the right).

4. Make sure your staff know about the record of suspicious transactions (or other internal company record procedures) and how to report to the national contact point.

5. Ensure the above points are in your training manual.

6. Remind your staff about the procedures for refusing a sale.

How to recognise suspicious transactions

A suspicious transaction is any transaction or attempted transaction where there are reasonable grounds for suspecting that the product is intended for malicious purposes. Whether or not behaviour is suspicious has to be judged on a case-by-case basis. Indicators of suspicious behaviour may include when a customer:

- appears nervous or avoids communication
- attempts to purchase an unusual amount of a product or unusual combinations of products
- is not familiar with the regular use(s) of the product(s), nor with the handling instructions
- is not willing to share what they plan to use the product(s) for
- refuses alternative products or products with a lower (but for the proposed use sufficient)

concentration

- insists on paying cash, especially large amounts
- is unwilling to provide identity or home address details if requested
- requests packaging or delivery methods that deviate from what would be ordinary, advised or expected

Regulated poisons

Regulated poisons may be sold to a member of the public only by, or under the supervision of, a registered pharmacist. If you are not a registered pharmacist, or under the supervision of one, you must refuse the sale of any regulated poison you may stock.

Substance	Regulated poisons	Concentration limit (weight in weight)
Aluminium phosphide		-
Arsenic and its compounds (other than calcium arsenites, copper acetoarsenite, copper arsenates, copper arsenites, lead arsenates)		-
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 that contain a methyl (CH ₃) group directly linked to the mercury atom		
Oxalic acid		10%

Substance	Concentration limit (weight in weight)
Phenols (phenol and phenolic isomers of cresols, xylenols and 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	-

Note: a full list of [reportable poisons](#) is available on the GOV.UK website.

The Government has recently completed a consultation on amendments to the Poisons Act. The GOV.UK website information should be regularly checked for any changes to the substance lists as well as strengthened obligations for retailers.

What does the supplier have to ensure is on the label?

If you intend to supply any products containing a regulated poison or explosives precursors over the specified concentrations listed above to a member of the general public, you must ensure that the product is labelled with the following text:

'Acquisition, possession or use by the general public is restricted'

This restriction must be clearly indicated on the packaging. You will need to verify that such a label is affixed to the packaging; if it is not, you must affix one yourself.

You may be able to ensure that this is done through your supply chain. The manufacturer or importer first placing such products on the market for consumer use is best placed to affix the required label. However, the legal duty falls to the supplier to ensure that the label is affixed to any regulated product sold to a member of the public. If you supply a regulated poison or explosives precursor over the specified concentrations listed to a member of the public without this label, you will commit a criminal offence.

Most regulated products that require this labelling will also need to be labelled according to Regulation (EC) No 1272/2008 on *classification, labelling and packaging of substances and mixtures* (known as 'CLP') due to their inherent hazardous properties.

CLP came into force on 20 January 2009 in all European Union (EU) Member States, including the UK. The EU CLP Regulation adopts the United Nations' Globally Harmonised System of the classification and labelling of chemicals (GHS) across all EU countries, including the UK when the UK was an EU Member State.

Post-Brexit, the EU CLP Regulation is retained in GB law and is known as GB CLP. These arrangements mean that Great Britain continues to adopt the GHS, independently of the EU.

Article 32(6) of GB CLP states that:

"Label elements resulting from the requirements provided for in other retained EU law shall be placed in the section for supplemental information on the label referred to in Article 25."

This means that, for products that fall within the scope of GB CLP, the labelling required must be placed in the section for supplemental information within the CLP label.

Before you order stock through your supply chain, check that it is properly labelled. If it is not, then you are advised not to purchase it to avoid any subsequent supply labelling offences. Take the labelling issue up with the manufacturer / importer / wholesaler. Source alternative, correctly labelled products.

More [information on GB CLP](#) can be found on the Health and Safety Executive website.

Complying with the law when selling these products

Selling in-store

Before handing over the substance:

- check the person's age using a Challenge 21 / 25 approach if the product is a corrosive and covered by the legal age restrictions in the OWA or under the voluntary commitments for retailers scheme
- if the product is a regulated poison ensure that the sale is by, or under the supervision of, a registered pharmacist. Record the transaction as required

If the product is a regulated substance and requires an EPP licence:

- check that the photographic ID matches the person and that the photographic ID reference matches the ID reference on the licence front page
- check that the product being purchased is allowed as part of the licence conditions. These will specify:
 - substance
 - concentration / intended use
 - quantity
- record the transaction details in the table on the back of the licence

Depending on your company's circumstances, you could, before the transaction for a regulated substance is completed, ask the customer to provide a scanned copy of their licence. If you require customers to register for a customer account, you could allow them to upload a scanned copy of their licence to their account record.

The Home Office is developing an online licence number-checking tool, which will allow you to enter the licence number and an identity detail (such as the customer's date of birth or surname) into a form to check whether it is a valid licence number and that the licence number is associated with that individual.

Selling remotely and providing delivery

The law does not prohibit online or other forms of remote sales of regulated substances to members of the public. However, you must remember that it is a criminal offence to deliver corrosive substances to a residential address or a locker.

Explosives, corrosives and poisons are Royal Mail-prohibited items and must not be sent through the post.

Licensed poisons can only be supplied to the public by a pharmacy business. Remote sale systems must ensure the sale is by, or under the supervision of, a registered pharmacist.

For remote sales, retailers must still comply with the requirements to:

- not supply regulated substances above the concentration threshold to members of the public, unless they hold an EPP licence
- verify that the member of the public holds a valid licence
- record the details of any transaction on the back of the licence
- ensure any product containing a regulated substance above the concentration threshold that is supplied to a member of the public is labelled with 'Acquisition, possession or use by the general public is restricted'
- identify and report any suspicious transactions

You must ensure that your remote sales system has robust age verification and ID / licence checks.

Online age verification software is available that makes use of various sources of information in order to verify both age and identity during the ordering process. These checks include using the electoral register and / or credit reference agencies. There are also businesses that offer online access to electoral register information, which could be used to verify a purchaser's age.

If the product is regulated and requires an EPP licence, the system must be capable of checking that the:

- photographic ID matches the person
- photographic ID reference matches the ID reference on the front page of the licence
- product being purchased is allowed as part of the licence conditions. These will specify:
 - substance
 - concentration / intended use
 - quantity

Your delivery staff / provider will then need to physically check these same requirements. You will need to provide the delivery agent with the order amount and detail to allow these checks to be done.

Your delivery staff / provider will then need to record the transaction details in the table on the back of the purchaser's licence.

You must ensure that the regulated substance is given only to the licence holder. It cannot be left unattended or left with another individual.

Remember, even if the purchaser has a valid EPP licence you must not deliver corrosive substances listed in the OWA to a residential address or a locker.

Your delivery staff / provider must record that these checks and requirements have all been complied with and provide this evidence to you after delivery. You should retain this evidence; no specific retention period is specified, but you should consider retaining this information for at least three years, in accordance with any data protection policies your business may have.

Your system must also include a process to identify whether the transaction is suspicious in some way or if there may be reasonable grounds to suspect that the product is intended for malicious use. For example, there may have been multiple purchases of the same chemical over a short period that cannot be easily explained or the customer is requesting unusual amounts for the stated purpose. In such cases you must

report this to the national contact point.

See '[Online sales of age-restricted products](#)' for more information regarding online sales.

Collect in-store

For some retailers that also have a high street presence, purchasers could view and reserve products remotely and then collect in-store, where age verification and licence checks could be carried out by members of staff, as for a normal face-to-face transaction.

See '[Underage sales](#)' for more information on effective age verification procedures.

Enforcement

Non-compliance with the law is a criminal offence. The Police are responsible for enforcing the regime for explosives precursors and poisons. The General Pharmaceutical Council will continue to have a role in inspecting pharmacies and associated pharmacy premises. Trading Standards officers enforce the laws on age-restricted corrosive products and their supply, as well as product labelling.

For more information on the work of Trading Standards services (and the possible consequences of not abiding by the law) please see '[Trading Standards: powers, enforcement and penalties](#)'.

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[> Part 2. Knives, bladed articles and bladed products](#)

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