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GENERAL COMMITTEES

Public Bill Committee

OFFENSIVE WEAPONS BILL

Fifth Sitting

Tuesday 4 September 2018

(Afternoon)

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CLAUSE 1, as amended, under consideration when the Committee adjourned till this day at Seven o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

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The Committee consisted of the following Members:

Chairs: MIKE GAPES, †JAMES GRAY

† Atkins, Victoria (*Parliamentary Under-Secretary of State for the Home Department*)

† Foster, Kevin (*Torbay*) (Con)

† Foxcroft, Vicky (*Lewisham, Deptford*) (Lab)

† Haigh, Louise (*Sheffield, Heeley*) (Lab)

† Huddleston, Nigel (*Mid Worcestershire*) (Con)

† Jones, Sarah (*Croydon Central*) (Lab)

† McDonald, Stuart C. (*Cumbernauld, Kilsyth and Kirkintilloch East*) (SNP)

† Maclean, Rachel (*Redditch*) (Con)

† Maynard, Paul (*Lord Commissioner of Her Majesty's Treasury*)

† Morgan, Stephen (*Portsmouth South*) (Lab)

† Morris, James (*Halesowen and Rowley Regis*) (Con)

† Pursglove, Tom (*Corby*) (Con)

† Robinson, Mary (*Cheadle*) (Con)

† Scully, Paul (*Sutton and Cheam*) (Con)

† Siddiq, Tulip (*Hampstead and Kilburn*) (Lab)

† Smyth, Karin (*Bristol South*) (Lab)

† Timms, Stephen (*East Ham*) (Lab)

Mike Everett, Adam Mellows-Facer, *Committee Clerks*

† **attended the Committee**

Public Bill Committee

Tuesday 4 September 2018

(Afternoon)

[JAMES GRAY *in the Chair*]

Offensive Weapons Bill

4.30 pm

The Chair: Before we begin our detailed line-by-line consideration of the Bill, it might be helpful, particularly for one or two Members who might not have sat on a Bill Committee before, if I ran through the way we tend to operate. Broadly speaking, all rules of procedure, address and behaviour are very similar to those in the main Chamber. Amendments have been tabled, and although we seem to be short of the lists of amendments to be debated, we have sent off urgently for a further supply, which will soon be available in the room and online.

The selection list shows how the amendments have been grouped. Broadly speaking, the Chair, advised by the learned Clerks, groups together amendments that cover similar subjects so that they can be discussed in one debate. The Member who puts their name to the first amendment in a group is called to speak first. Other Members can then catch my eye in the normal way. The Member who tabled the amendment is then called to wind up at the end of the debate. Before that Member sits down, he or she should tell me whether they intend to seek to withdraw the amendment or put it to a vote. It is important to remember to do that. I add to that the presumption that the Minister will seek a decision on any amendment that the Government have tabled.

It is worth noting, for those who do not know, that decisions on amendments are taken not in the order they were tabled, but in the order they appear in the Bill. Therefore, a vote on an amendment may well come not after the debate on that amendment, but at a later stage of consideration. At the end of the consideration of amendments to each clause, there may or may not be a debate on whether the clause should stand part of the Bill. The Opposition may ask for such a debate if they wish, but if there has been a fairly substantial debate on the amendments to the clause, then by and large we tend not to have a stand part debate and there will be a vote. I hope that is reasonably clear. The Committee met in July and agreed a programme motion. It is printed on the amendment paper and lays out the order in which we intend to consider the Bill.

Louise Haigh (Sheffield, Heeley) (Lab): On a point of order, Mr Gray. I do not believe you were in the Chair for our first evidence session, but I raised a point of order because we had not seen the consultation responses to the Bill. The Minister promised to publish them, but we are yet to receive them two months after that request. I made the case then, and believe it still to be the case,

that it is difficult to scrutinise a piece of legislation if we have not seen all the published evidence around it, so I seek your guidance on that.

The Chair: Although that is not technically a point of order, the hon. Lady makes a particularly good point about how the Committee will be better informed by having the Government's response to the consultation. I therefore hope that the Minister has heard what the hon. Lady had to say, and she will no doubt wish to bring forward the Government's response in due course—she might even wish to raise a point of order about it.

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I apologise to the hon. Member for Sheffield, Heeley. I confess I thought that that had happened, but if it has not, we will make it happen today.

The Chair: That seems eminently satisfactory.

Clause 1

SALE OF CORROSIVE PRODUCTS TO PERSONS UNDER 18

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I beg to move amendment 42, in clause 1, page 1, line 3, after “sell” insert “or supply”

This is a probing amendment to debate whether the scope of the offence is broad enough or should be extended to include supply without payment.

Thank you, Mr Gray, for your whistle-stop tour of the procedure to be followed during these proceedings, and I apologise in advance if I get something wrong. I hope that you and all hon. Members feel suitably refreshed after our summer recess. At the outset, may I reiterate the Scottish National party's support for this Bill? I know there has been significant and close working between the Scottish and United Kingdom Governments on this issue, which covers a mixture of devolved and reserved competencies. We have tabled some probing amendments to allow for discussion on one or two issues that arose during our evidence sessions, and I will keep an open mind about the other amendments tabled by the Opposition, to see whether they can improve the Bill.

We support the creation of the offence in clause 1, and the thrust of Government amendments 13 and 14. We are sympathetic to amendment 51, although we suggest that the drafting might need some work. For example, it is not clear to me whether approval of both Houses is the right mechanism in cases where Northern Ireland's Department of Justice is the appropriate national authority. Perhaps there should also be a role for Police Scotland alongside the National Police Chiefs Council.

I turn to my amendment 42. In the evidence that the Committee heard on this issue, one witness expressed the view that supply as well as sale should be an offence. On the other hand, we received evidence from another witness that it should not. The concern of that particular officer was about the risk of making supply an offence where there was a perfectly reasonable domestic circumstance—for example, a parent giving a cleaning product to their child. Obviously my amendment would not resolve the issues highlighted by the second witness.

However, it cannot be beyond the wit of Government to create an offence that excluded such domestic circumstances, but nevertheless covered circumstances where corrosive substances were supplied for free rather than simply sold.

My concern is about, for example, where person A, aged 20, gets together with person B, aged 16, in their house, B says he is going to attack person C, and person A then supplies him with a corrosive substance. It is not clear to me whether A's actions in supplying that substance in advance of the attack are adequately covered by the criminal law. I simply seek an assurance that they are covered by other offences or that the Government will give further consideration to whether supply without consideration should be an offence.

Louise Haigh: I welcome all members back to the Committee after the recess. I apologise if my hair is blinding anyone under these lights; it is a little brighter than I anticipated. I rise to speak to amendment 42, tabled by the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East—I apologise that I am unable to pronounce his constituency properly, so he will be the hon. Member for the SNP for the purposes of this debate.

The Opposition have also grappled with this important issue. My right hon. Friend the Member for East Ham raised it on Second Reading and we believe it requires clarification from the Minister. First, it is as well to state clearly the problem raised by the amendment that needs to be solved. The widespread use of corrosive substances, in attacks where other offensive weapons would previously have been used, is a relatively new phenomenon. It has been horrifying to see their continued use and the spread of attacks beyond certain gangs to which they were first limited. For that reason, under law, it is clear that a high residual tolerance to them remains, even after public and Parliamentary tolerance has waned.

That is partly because such substances are used for perfectly innocuous purposes, such as household cleaning, or in industrial products. The same cannot be said, for example, of firearms. However, in recent years the climate has changed. I dare say we will hear further discussion on that throughout the debate on clauses 1 and 2. The first and most apparent reason is that the use of such substances in life-shattering attacks has increased. The most recent evidence suggests an increase of 400 attacks since 2012, from around 200 to over 600. The UK now has the highest rate of per capita acid attacks in the world.

The tragic attacks include reports of an attack on a three-year-old child and an incident where an attacker used corrosive substances in a nightclub, injuring 20. Corrosive substances are becoming a favoured weapon in muggings and thefts. It cannot be ignored as a factor that for many years now there has been a high level of parliamentary tolerance towards such corrosive substances. The most recent changes to the Poisons Act 1972, made by the Deregulation Act 2015, even watered down the existing controls, despite the fact they are clearly not strict enough. That is why amendments such as this are important in testing the law around supply. While the amendment is important in its own right, it also speaks to the broader legal architecture around corrosive substances, where we are now playing catch up.

This probing amendment raises a two-fold issue. In the first scenario, a gang member supplies an offensive weapon with the explicit intention that an individual would use it to carry out an attack. Would that be an offence? In the second scenario, an individual supplies a corrosive substance to a person under the age of 18 who has no lawful purpose for having it, but not knowingly with the intention that an individual would use it to carry out an attack. Would that be considered an offence?

I believe that the answer is yes in the first scenario and no in the second, but I would be grateful for guidance from the Minister. The guidance we have been given is that the first offence—the supply of an offensive weapon with the intention that it be used to carry out an attack—is not covered by specific legislation for corrosive substances. However, in this example it would be considered an offence under general law, given that person A knowingly supplies person B with a corrosive substance, where person B intends to carry out an attack on person C. Such conduct, involving assisting or encouraging another person to commit a crime, could be prosecuted using either the general criminal law concept of secondary liability or the inchoate offences such as conspiracy.

The Crown Prosecution Service has clear guidance on secondary liability that explains the general concept, which would be relevant to this specific type of offence. A principal is one who carries out the substantive offence; a secondary is one who aids, abets, counsels or procures the principal to commit the substantive offence. The example that my hon. Friend the Member for West Ham (Lyn Brown) gave on Second Reading would already be covered in general law.

There is a difficulty with the second scenario: can a person be guilty of supplying a corrosive substance to an under-18 that turns out to be an offensive weapon if they do not know that the individual will commit an offence? In other words, why would it be illegal to sell corrosive substances listed under schedule 1 to an under-18, but not to supply any corrosive substance to an under-18?

The crux of the issue is that, without intent, corrosive substances exist under law as innocuous substances rather than as dangerous weapons. The weak Deregulation Act 2015 and Poisons Act 1972 allow any non-regulated substance to be supplied to a child, an under-21, an under-18 or any individual with a criminal record. In fact, under law it is perfectly acceptable for a criminal convicted of using a corrosive substance in an attack to hold a reportable substance. If that substance was ammonia, for instance, which is responsible for many of the attacks in which a corrosive substance is used, it would be perfectly legal for them to possess it or for any individual to supply it to them.

We do not think that there would be public tolerance for criminalisation of the supply of acid, which could have unintended consequences—for instance, criminalising a mother or father in the home who supplies a household cleaning substance to a child. However, there must be scope to broaden the architecture of legislation around corrosive substances and under-18s, as the Government prefer—or under-21s, as we prefer—and to prevent convicted criminals from possessing such substances.

Aside from possession and sale, the Bill does not suggest any further criminal offences or controls for corrosive substances, despite clear evidence that such substances are becoming the weapon of choice for individuals as a

[*Louise Haigh*]

direct result of the ease with which they can be obtained. There is an entire architecture for more traditional offensive weapons that would allow for such control and for the CPS to select charges for that array of offences. I hope the Minister will consider that and say why the Home Office has not considered them.

As the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East mentioned, one option would be to consider supply to be a general offence. As mentioned, that could have a range of unintended consequences, but if we are to ban the sale of corrosive substances to under-18s, it seems inconsistent that it would still be perfectly legitimate for an individual to supply a corrosive substance to a minor for the same purposes.

The Home Secretary was clear on Second Reading about the intention behind clause 1:

“of course it is wrong that young people can buy substances that can be used to cause severe pain and to radically alter someone’s face, body and life. There is no reason why industrial-strength acids should be sold to young people, and the Bill will stop that happening.”—[*Official Report*, 27 June 2018; Vol. 643, c. 924.]

The evidence we have seen shows that the real issue is about young people getting their hands on this acid. We have seen examples of them getting hold of it and separating it into two mineral water bottles, then carrying it around and using it to devastating effect. These measures, alongside the measures on possession of acid in a public place, will combine to make a big difference to the situation we find ourselves in. However, as the Bill stands, it will still be possible for young people to, in the words of the Home Secretary, get their hands on such substances. Anybody—a parent or a friend over the age of 18—could purchase or have in their home a regulated substance or a substance listed under schedule 1 and it would not be an offence for that person to supply acid to the under-18.

It is clear that the Bill does not do what the Home Secretary thinks it does. Should the Government fail to put this right and create a specific offence of supplying such a substance, we will have to return to this issue on Third Reading. We therefore fully support the amendment, which seeks to test the law on the availability of corrosive substances. It is clear that the law is inadequate. It would be welcome to hear from the Minister whether she is open to further measures.

4.45 pm

Victoria Atkins: It is a pleasure to serve under your chairmanship, Mr Gray, and alongside colleagues on both sides of the Committee. It is also a great pleasure to respond to the first group of amendments. I am grateful to the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East for giving us such an interesting issue with which to start our detailed consideration of the Bill. He rightly drew attention to the very good collaboration between the United Kingdom Parliament and the Scottish Parliament, and I record my thanks for its assistance in consideration of the Bill.

I appreciate that this is a probing amendment—there is no mention of the supply of bladed articles—but it gives us an opportunity to explore more generally whether the offences relating to age-restricted products, such as those covered by schedule 1, should be expanded to include supply without payment for such products.

“Supply” means simply providing something to another person. In this context that might cover three types of scenarios. The first is where a person over 18 buys a product and gives it to a person under 18. The second is where the product is provided free of charge by the seller as part of a deal—for example, getting a free bottle of drain cleaner to help to unblock drains when buying a tool to do so. The third is where someone delivers the product to the buyer on behalf of the seller—for example, where a delivery company supplies a hospital with products they have bought from a manufacturer. We have no evidence that corrosive products are ever given away free as part of a promotional deal. That has certainly not been raised with us as an issue by retailers, trading standards bodies or the police.

The scenario where someone delivers products on behalf of the seller raises a number of issues, some of which I am sure we will consider in more detail when we debate amendments 43 and 44. It is worth mentioning that extending the offence to cover supply would mean that a delivery driver who drops off cleaning products at a doctor’s reception, a hotel, a DIY store, a warehouse or a builders merchants would commit an offence if the person receiving them was under 18. That was certainly not the intention behind the offence, which is aimed not at business transactions but at stopping the sales of corrosives to people under 18. We will come to this later, but the offence under clause 4 would apply only to a delivery company acting on behalf of an international or overseas seller.

In relation to the scenario where a person buys a corrosive product and gives it to a person under 18, there are issues that we must resolve. Where an adult buys a corrosive product and gives it to a person under 18 with the specific intent—as the hon. Member for Sheffield, Heeley has described—they could be prosecuted for aiding and abetting a criminal offence. Under clause 5, both they and the person under 18 could also be caught by the offence of having a corrosive substance in a public place, if that is where the transfer occurred. The main difficulty in trying to capture such circumstances by extending the offence to include supply is that corrosive products are used in a range of legitimate activities that people under the age of 18 might be engaged in. Those include hobbies such as soap making, DIY and cleaning activities in the home, as well as a wide range of jobs in which people under the age of 18 might be employed and where chemicals are used quite properly—for example, in swimming pools or by an apprentice plumber.

Under-18s may also need to use some of these products as part of their studies—for example, in A-level chemistry. Extending the offence to include supply would mean that a chemistry teacher giving nitric acid to a student to use in the very controlled situation of an experiment in their college or school would be committing an offence. A plumber who gave drain unblocker to his or her apprentice would also be committing an offence.

Extending the offence to include supply of a corrosive product would also raise the question about what we do in relation to the sale of bladed articles such as knives. The existing offence is limited to selling a bladed article to a person under 18 and does not include supply. It is not an offence for someone to buy a knife and give it to a person under 18 unless, of course, they are doing so for the purposes of committing a criminal offence. There is a good reason for that: as we all know, bladed

articles cover a huge range of items—essentially, anything with a blade or a sharp point. Those under 18 need access to them; for example, catering students need their own set of catering knives and hairdressing students need scissors. It is quite right that parents should be able to buy these items and give them to their children. Banning the supply of bladed articles to under-18s would also mean that restaurants could not give table knives to 16-year-olds, which none of us want to risk happening.

The contrast with alcohol is important. It is an offence to supply alcohol to a person under 18, but its possession in a public place is not outlawed in the same way as it will be for knives and corrosives. The alcohol sold in pubs and off licences does not have other, wider uses that might justify it being given to an under-18. Children do not need access to alcohol in the same way that they might need access to a chemical for their studies or an apprenticeship. It is therefore right that an adult buying alcohol for a child or giving a child an alcoholic drink is covered by the legislation, but that does not mean that an offence of supply should be used for every age-restricted product.

We did consider supply when developing the Bill, but we wanted to maintain consistency with the current offence on the sale of bladed articles. We also concluded that it was right that the responsibility sat firmly with the seller, and that the unintended consequences of extending the offence to supply would risk capturing too many legitimate activities or require so many exemptions and defences that it would become unworkable, particularly if it also applied to bladed articles.

The hon. Member for Sheffield, Heeley asked me about the scenario in which an adult supplies a corrosive substance to an under-18 but with no intention of criminal purposes, as with a parent giving knives to a catering student. Of course, that person would not have any knowledge—what we might call the mens rea or state of mind. Indeed, from the description, they would have no intent to commit a criminal offence. Once we start tinkering with knowledge and intention, we are entering the realm of absolute liability, and there are only particular categories that permit that. The adult would not be covered in that scenario. If that young person then takes the acid or corrosive substance into a public place, then the young person risks falling foul of clause 5. If they choose to do anything with it, then further criminal offences may have been committed.

The hon. Lady also asked me about possession of corrosive substances in public, and we will come to that definition in due course. It covers any corrosive substance—in other words, a substance that burns the skin. I hope I have answered the questions put in this debate, and I would invite the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East to consider withdrawing the amendment.

Stuart C. McDonald: The amendment served its purpose in scrutinising a number of possible scenarios where questions might be asked about whether supply should be an offence alongside sale. I thank the hon. Member for Sheffield, Heeley for further exploring the amendment, and for doing so far more methodically than I did. She rightly queried whether the lack of an offence of supply undermines the intention behind the Bill.

I also thank the Minister for her comprehensive response. I will have to think about whether the other offences in this Bill—aiding and abetting, and possession—adequately cover supply. She also explained the possible unintended consequences, including for delivery companies, under-18s in employment and even schools. I appreciate the Government's position and I appreciate that criminalising supply would be a difficult and fraught course of action. I accept that amendment 42 is definitely not the right answer to all this, so I will reflect on whether something else needs to be done or whether we should make do with what we have already. In the meantime, I am happy to withdraw the amendment.

The Chair: Just for the sake of good order in future, the form of words is that the Member seeks leave to withdraw the amendment, which I then put to the Committee.

Amendment, by leave, withdrawn.

Stephen Timms (East Ham) (Lab): I beg to move amendment 1, in clause 1, page 1, line 4, leave out “18” and insert “21”.

The Chair: With this it will be convenient to discuss the following:

Amendment 2, in clause 1, page 1, line 12, leave out “18” and insert “21”.

Amendment 3, in clause 1, page 1, line 15, leave out “18” and insert “21”.

Amendment 4, in clause 2, page 2, line 33, leave out “18” and insert “21”.

Amendment 5, in clause 2, page 3, line 18, leave out “18” and insert “21”.

Amendment 6, in clause 2, page 3, line 21, leave out “18” and insert “21”.

Amendment 7, in clause 4, page 5, line 15, leave out “18” and insert “21”.

Amendment 8, in clause 4, page 5, line 23, leave out “18” and insert “21”.

Amendment 9, in clause 4, page 5, line 26, leave out “18” and insert “21”.

Amendment 53, in clause 12, page 10, line 36, at end insert—

“(2A) In section 141A (sale of bladed articles to persons under 18), in subsection (1) for “eighteen” substitute “twenty-one”.

This amendment would amend Section 141(A)(1) of the Criminal Justice Act 1988 to make it an offence to sell knives and certain articles with blade or point to persons under 21.

Stephen Timms: I am delighted to serve under your chairmanship this afternoon, Mr Gray. This is a long list of amendments with a very simple purpose, which is to change the age threshold, which is picked up in clause 1, from 18 to 21. I welcome the Bill. As I said on Second Reading, I am pleased with how it is addressing the rapidly increasing problem of acid attacks, and my hon. Friend the Member for Sheffield, Heeley reminded the Committee of the dramatic scale at which the incidence of such attacks has increased. I thank the Minister for introducing the provisions and for the way in which she has kept people such as me informed of developments as she has been working on them. I am

[Stephen Timms]

sure that she, like me, would have been pleased if they could have come forward a little sooner. It is over a year since I called for possession of acid in a public place to be made a public offence, which is what clause 5 does. I am delighted it is here, but I would have been pleased if it could have happened a bit faster.

The background to this Bill is clearly the surge in violent crime—not just acid attacks but lots of other violent crime, including crimes involving the implements we will be talking about later in our work as a Committee. I noticed that in June, the BBC’s “Reality Check” asked “Violent crime: is it getting worse?” The verdict was

“‘High harm’ violent crime is genuinely increasing.”

There is no dispute that we have a serious and growing problem with the incidence of violent crime, of which acid attacks are one very troubling example.

My concern and interest in all this greatly increased just over a year ago when there was a dreadful acid attack in the borough I represent—Newham—which was very widely reported. Two cousins were sitting in a car when somebody leant in the car window and threw acid over both of them, causing serious and life-changing injuries. Particularly striking about that was how, in the community I represent, there was suddenly a huge surge of anxiety as people asked themselves, “If I am walking down the street now, will somebody come up and throw acid over me? Are there people around carrying what might appear to be a Lucozade bottle, which actually contains acid, who are going to inflict serious injuries on people at random?” That incident and the reaction to it gave rise to the Adjournment debate held on 17 July 2017, which was answered by the Minister’s predecessor. I welcome the steps taken in the Bill to address the problem.

Unfortunately, for reasons I understand, there has not been a great deal of data about this problem and about who has been carrying out these attacks. Sadly, the borough I represent appears to be the London borough where the largest number of attacks have occurred. My hon. Friend the Member for West Ham and I both took part in the debate on Second Reading. Indeed, my hon. Friend’s contribution has already been referred to by my hon. Friend the shadow Minister. I wish it were not the case that we represented the area where these problems seem to be the worst, but unfortunately, it is. That has created an aspiration in the community we represent to deal effectively with the problem of rapidly increasing acid attacks, and the Bill is an important step in doing so.

Clause 1 introduces a ban on the sale of acid products to under 18s. I welcome it. It was not something that I called for, but it is a welcome and positive step and I am grateful to the Minister for introducing it. My amendments 1 to 9 simply raise the age threshold from 18 to 21. Amendment 53, tabled by my hon. Friend the Member for Sheffield, Heeley, which I also support, similarly raises the threshold for the sale of knives and bladed items in the Criminal Justice Act 1988 from 18 to 21.

5 pm

I want to take this opportunity to make the wider point—which I will argue at numerous points in our debates on the Bill—that the law on acid ought to be

brought in line with that on knives. It has been an offence for a long time to carry a knife in a public place, and I am pleased that the Bill now makes it an offence in exactly the same way to carry acid in a public place. However, there are places in the Bill where things are being done on knives that in my view ought to be done on acid as well, but they are not. That concern underpins some of my amendments. I very much agree with amendment 53, and the point that if we are going to tighten up the law on acid we should do the same thing for knives. I will argue we should do it the other way as well.

What is the right age threshold? Is it 18, 21 or something else? We do not have a great deal of evidence on the ages of acid attackers. If there was evidence to show that most were under 18, that would be a good basis for setting the threshold at 18, as the Bill does, but, as far as I know, there is not such evidence. I have listened carefully and with great interest to what the Minister has said about this and about whether she can point to evidence that the problem is largely about under-18s. If there is such evidence, I certainly have not seen it, which underlines the need for us to collect and assemble more and fuller evidence about what is going on.

The one piece of evidence that I have found was in a freedom of information request submitted by a member of my local authority, Councillor James Beckles in the London borough of Newham. He submitted the request in July 2017, and it was eventually answered in October 2017. He asked for details of the perpetrators, the locations and the number of attacks in our borough for each month over the past couple of years. When the Metropolitan police responded, they provided information not only about our borough, but about the whole of London. It shows, as we have already heard, a big increase in the number of violent corrosive substance attacks. In 2012, the figure was 87. It was 142 in 2013, 130 in 2014, 275 in 2015, 416 in 2016, and in the first nine months of 2017 it was 411, so it was heading towards an even higher number. The police also provided the average age of the suspect. In fact, they provided brackets for attacks carried out by 10 to 19-year-olds, 20 to 29-year-olds, and so on up the age range, which certainly showed that the great majority of attacks were carried out by people under 29.

The police also gave the average age, to which it is worth drawing attention. In 2012, the average age of people suspected of carrying out violent corrosive substance attacks was 22.8, in 2013 it was 24.7, in 2014 it was 21.1, in 2015 it was 22.9, in 2016 it was 21.5, and in 2017, in the first nine months for which the information was provided, the average age of the suspects was 20.8. Therefore, the average age does appear to have been coming down over those few years and, indeed, from even earlier. In 2010, the average age was 29.9, and it has gradually come down over the past decade or so. In every one of those years the average age of those suspected of perpetrating acid attacks has been greater than the age of 21, except in 2017, when it was 20.8. I do not dispute for a moment that banning sales to under-18s could potentially help, but the Metropolitan police evidence clearly highlights the need to go further, and up to 21. Indeed, the argument could be made, I think, that it should go higher still; but given that the average

age is 21 and above throughout the period in question, I think there is a strong case for saying that we should not sell acid to under-21s.

Of course there is a question—and I am sure the Minister will talk about this—about practicality. We already have age thresholds in the law at 21. We used to have a few more, but we still have some. As I understand it, we do not currently have a ban on selling anything to under-21s—or not that I have been able to establish. The evidence is clear that we need a ban on sales to under-21s in this case, and I accept that implementing that will require a bit of preparation.

It is already the case, however, that private hire licences can be issued only to people over 21, and that under-21s are not allowed to drive certain categories of vehicle. Unqualified drivers need to be supervised by a driver who is over 21. In the weapons field, anyone under 18 using an air rifle has to be supervised by someone over 21. Anyone wishing to adopt a child should be over 21. Age thresholds at 21 are therefore pretty well established in our current law, and it seems to me that, according to the evidence, we need an age threshold of 21, not 18, for acid sales, because a significant proportion of those suspected of carrying out the offences are over 18 but not over 21. The same could probably be said of the limit for sales of knives and implements with blades and points, about which my hon. Friend the Member for Sheffield, Heeley will no doubt say more in due course.

There is a strong case, and the evidence points clearly at the assertion that 18 is too low a limit in the present case. I therefore ask the Committee to support amendments 1 to 9.

Louise Haigh: I congratulate my right hon. Friend the Member for East Ham on his amendments and on a compelling speech about why the Government and the Committee should accept them. I fully support amendments 1 to 9, which, as he said, cover in this context the elements that my amendment 53 deals with in relation to knives. I commend my right hon. Friend for his work on acids in the past year, ever since the horrendous attack in his constituency. He has been tireless in pushing for some of the measures in the Bill, and that is a testament to his fantastic work in his constituency.

The fear in the community, which my right hon. Friend spoke about, is real. I saw that when I was out with Operation Venice, the Metropolitan police team tasked with tackling moped crime in Camden and Islington. There was real fear on the streets there; people did not feel they could walk down the street to the local shop or pub for fear of being attacked. Assurances from the police that the attacks are targeted and not random—which I hear in my constituency in relation to violent crime—do not seem relevant to people when they happen on their doorsteps. That is one of the consequences of the attacks that the Bill and amendments are intended to tackle.

It is as well to explore the reasons for the use of acid, and then to examine whether a simple ban on under-18 sales is sufficient. A study from the Royal College of Psychiatrists found that acid

“can be thrown from a distance towards a victim, from a moving vehicle (such as a moped...) or even blindly through a window, so the perpetrator does not even have to see the effect”

of their crime. The document states:

“Studies have shown that people judge harm resulting from physical contact as morally worse than harm resulting from no physical contact. This may explain the use of acid in robberies, where the primary goal is theft of goods rather than desire to hurt the victim—the perpetrator may judge the use of acid as less morally wrong than using their bare fists”

or weapons, even if the effects of acid are undeniably far more severe.

Gangs concentrated in inner-city areas may account for why most acid attacks in the UK occur in London. Gangs are thought to be responsible for half of all shootings and a fifth of serious crime, of which acid attacks are a component, in London. Violence is commonly associated with gangs and can be deemed necessary to retain their members’ honour or social standing. The prevalence of such violence may be due to people with psychiatric problems, such as antisocial personality disorder, joining gangs to exercise their violent tendencies.

Studies have shown that gang violence has a contagion effect, with gangs committing more serious and more visible crimes than other gangs to assert their dominance. That is clearly what we have seen with acid attacks, particularly those concentrated in the east end of London. With acid attacks being highly publicised and the victims suffering visible deformity or disability, it is perhaps no surprise that they are becoming popular among gangs.

Gangs also rely on theft to support themselves and may use acid as a weapon in their crimes. With recent efforts in London to reduce knife crime, clear acid carried in a water bottle is a much more discreet weapon to carry on the street. Using acid as weapon may therefore be a pragmatic decision for some perpetrators. It carries lower sentences than crimes involving a weapon such as a knife and is usually charged as grievous bodily harm, whereas knife crimes often carry the more serious charges of attempted murder or wounding with intent.

The Opposition believe that the evidence is clear. Generally speaking, there are two types of acid crime: those where the perpetrator is likely to know the victim, done to cause irreparable harm or disfigurement—acts of revenge in most cases—and the increasing phenomenon in our major cities of the use of acid as a weapon of choice in, for example, robbery. Is it therefore wise to limit the age control on purchase to just 18 if the purpose is to prevent organised crime gangs from using acid as a weapon in crime?

According to the Metropolitan police, 75% of suspected attackers and around 60% of victims are between the ages of 10 and 29. Unlike in much of the rest of the world, the majority of victims in the UK are men—roughly 2:1. The Metropolitan police have been clear that they attribute the increasing use of acid to gang-related incidents.

As well as the FOI response that my right hon. Friend the Member for East Ham received for his borough, the Government have conducted an impact assessment that shows that just one in five acid attacks are carried out by under-18s. Extrapolated to the latest available figures, for illustrative purposes only, that would mean that 1,663 of just over 2,000 attacks were carried out by over-18s. As my right hon. Friend made clear, although restricting the sale of acid to under-18s would help, it would not make a serious dent in the available figures, based on the Government’s assessment.

[Louise Haigh]

If we look more broadly at evidence of young people's involvement in organised crime, the picture is consistent. Although those recruited into organised crime tend to be under 18—recruited from local schools, inclusion centres, and from among homeless and looked-after children, as Home Office analysis has shown—members of organised crime groups and their associates are generally older: between 19 and 25. That suggests that perhaps the restrictions need to apply to those even older than 21. Practitioners report that more than 60% of gang members tend to be between 18 and 24 and a third are between 15 and 17.

If the Government intend to respond to the UK phenomenon of the involvement of acid in street crime, particularly in London, all the evidence suggests that prevention of sales to under-18s will be helpful but nowhere near sufficient. That is why we support my right hon. Friend's sensible proposals to raise the age limit to 21. That is compelling for several reasons: first, only limited evidence supports the existing proposal of 18, and secondly, my right hon. Friend's proposal tackles the actual issue rather than attempting to fit it into the parameters of existing law.

I was also particularly struck by the words of Acid Survivors Trust International:

"Anecdotal evidence suggests that many of the attacks are part of gang related activities and that acid is becoming the weapon of choice. The UK does not have tight controls on the sale of acid and nor does it have legislation specific to acid attacks. ASTI has campaigned for tighter controls on the sale of acid and a review of sentencing. In the UK, unlike many countries, men make up the majority of victims."

The trust fully supports the amendments tabled by my right hon. Friend.

5.15 pm

I turn to amendment 53 to clause 12, tabled in my name and that of my hon. Friend the Member for Lewisham, Deptford, which mirrors the amendments of my right hon. Friend the Member for East Ham. It would raise the age at which an individual can legally purchase a bladed article to 21, mirroring the proposed provisions on corrosive substances and with similar justification. In late August, the Metropolitan police launched its 100th homicide investigation. In Deptford, a young man in his 20s was stabbed and died in the early hours of the Sunday of the bank holiday weekend. The horrendous number of stabbings that has taken place in my hon. Friend's constituency—sadly many have been fatal—compelled her to set up and chair the Youth Violence Commission. We will discuss the findings of its groundbreaking work in later parts of the Bill. I commend her on the fantastic work she has done on youth violence and offensive weapons since her election in 2015.

Behind every victim is a grieving family, with heartbreaking stories of young lives lost, tragedies that should have been avoided and families destroyed. Nationally, the picture is just as grim; it is far from being a London-only problem. Knife offences have tipped over 40,000 this year, the highest number on record and a staggering 16% rise on last year. Knife use has rocketed in robberies and homicides. This is a public health emergency, and it could not be more serious. We know that knife crime is contagious: the more of it there is, the more likely it is that young people in particular will carry knives. It will

take concerted action across Government to tackle the causes of knife crime, support vulnerable youngsters at risk of falling into crime and develop comprehensive prevention and support strategies.

Analysis of Metropolitan police crime data for 2016-17 indicates that 75% of knife crime victims are male and frequently they are less than 25 years of age. Almost half of all victims are from black, Asian and minority ethnic backgrounds. Those recorded as of black ethnicity represented one in five of all knife crime victims in the last year and almost half of all non-domestic victims were black males under 25.

It is commonly reported that people carry knives out of a false sense of security. That is why we now see this contagion effect: more young people are becoming victims of knife crime, so more young people carry knives to protect themselves and more knives are used in incidents. It is a vicious cycle that we have seen before and know how to stop, but it takes concerted political will.

Several individuals who were interviewed for the ending gang violence and exploitation taskforce reported being stabbed—some on more than one occasion—and then carrying knives for protection. One said:

"If someone comes up to you and pulls out a knife, you want something to defend yourself. You are not just going to let people rob you every single day...say out of 50 people I know, I'd say only about five of them carry a knife because they feel like they have to carry a knife. If they don't carry a knife, they don't feel comfortable in themselves. They could go out on the road and anything could happen."

Hanif Mohammed, assistant manager of Sheffield-based charity In2Change, which aims to prevent young people from getting involved in criminal activity, said:

"The threat on the street is imminent; they could go home from school and get attacked or go to the shops and get attacked—prison is something they can deal with after".

For these young people, restriction of sale and enforcement can never be a catch-all solution; only targeted and resource-intensive early interventions starting from early years and extending right through to adulthood can prevent early involvement in antisocial behaviour or disengagement from school escalating to violent crime. However, the law should match the evidence, and the evidence is clear that knife crime offences where serious violence is committed do not end at 18. This year, possession offences for those over 18 have reached over 16,000.

The safer Southwark partnership launched a knife charter in 2006 as a voluntary agreement between the council and retailers, setting out tougher requirements on knife sales, including asking prospective knife purchasers who look under 21 for proof of age, displaying knives in secure cabinets and staff training, and the evidence is that that has shown results. Between April 2008 and March 2009, the council completed nearly 100 test purchases and more than 90% of retailers refused to sell knives to under-age buyers—the most successful level of test purchasing among all London boroughs. However, there is a serious issue with the existing laws simply not being enforced. Figures published by London trading standards show that children as young as 13 were able to buy knives in purchasing tests carried out in London. During the whole of 2016, 725 test purchases were carried out by London trading standards and the Metropolitan police, using child volunteers. The vast majority of shops visited refused to sell, but 96 retailers

sold knives and bladed articles to children as young as 13. Very few of those had prosecutions brought against them.

Later in proceedings on the Bill we will come to various amendments on trading standards and the secure storage of knives; I hope we can seriously consider them, because the law is only as good as its enforcement, and if children can bypass it because retailers do not secure knives appropriately or enforce age verification checks, we have a serious problem with the law even as it stands. I hope the Minister will consider our amendments seriously, think about the evidence that stands before her and, if she does not accept the amendments, supply us with the evidence that under 18 is the correct way forward for both acid and knives.

Victoria Atkins: I am extremely grateful to the right hon. Member for East Ham for tabling this amendment and to the hon. Member for Sheffield, Heeley—to whom I might have referred incorrectly as the Member for Sheffield, Hallam, for which I apologise. I have found him to be a great source of information, and we have discussed this issue a great deal since I was made a Minister. I completely understand the spirit in which he tables these amendments, but it is difficult; he knows, from the discussions we have had, the difficulties that there are.

Before I turn to the amendments, it might be worth reminding the Committee of the evidence on the involvement of young people in acid attacks. The right hon. Gentleman set out the average ages thus far. The latest published information goes up to April 2017; we will no doubt discuss in due course how we can improve the availability of this information, given that we know the range of attacks. He said that 21% of acid or corrosive substance attacks recorded by the police up to April 2017 were perpetrated by people under the age of 18, where the age was known. We do not have statistics on how many attacks were committed by those over 18 but under 21, or by those under the age of 25, but more recent information, which the police intend to publish shortly, shows that between April 2017 and April 2018 the average age of those carrying out acid attacks was 23.

I mention that because, as the right hon. Gentleman set out when he was reading out the different years, the ages fluctuate and it is difficult to set an age that would encompass all those average ages. We know that from reports in the media on the most violent offences, for example the terrible case of Arthur Collins in the nightclub in Dalston. He was 25. We must find an age limit at which we can prevent sales that meets the need to protect the public in a way that is not discriminatory and does not affect vast swathes of the population who may be buying these substances for completely legitimate and lawful reasons.

Corrosive substances are not, in themselves, offensive weapons; rather like knives, they have legitimate uses in cleaning products, car batteries and a wide range of hobbies such as metalworking. However, given the attacks and the concerns we all have about them, we believe it is reasonable and proportionate to ban the sale of such substances to those who are under 18. That is what the Bill is intended to do through clause 1 and schedule 1. Under the Bill, there is a defence available to a seller who has taken “reasonable precautions” and exercised due diligence in avoiding selling to a person aged under 18.

However, I should say to the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East—or the hon. Member for the SNP, as he is being called—that the defences in Scotland are slightly different from those that apply in the rest of the United Kingdom. Clause 2 applies further conditions on online sales that must be met if the seller wants to rely on the defence. Finally, clause 4 makes it an offence for a delivery company in the UK acting on behalf of a seller overseas to deliver corrosive products to someone in this country aged under 18.

The amendments in this group seek to raise that age from 18 to 21, and amendment 53 seeks to replicate that for bladed articles. Most products are age-limited with regard to under-18s because that is the internationally recognised age of the child. The effect of the amendments would be to introduce a new age limit, which would mean that restrictions on the sale of corrosives and bladed articles were out of step with those for other age-limited items, such as alcohol.

We heard evidence from witnesses from the British Retail Consortium and the British Independent Retailers Association before recess. They foresaw the difficulties that having different age limits for different products might pose for retailers—particularly small retailers—and their staff. Concerns have been raised about the risk of abuse and assault of shop workers, and we bear that in mind in that balancing act on the age range. We also fear that any increase in the age limit to 21 may well be challenged as an unjustifiable discrimination on the grounds of age, particularly when we think of the fluctuation in the average age of perpetrators, as we discussed earlier.

Kevin Foster (Torbay) (Con): I have listened to the Minister with interest. She mentioned the issue for shopkeepers. I was formerly a deputy leader of a council responsible for enforcing some of those age limits. When the age limit was 16 for tobacco and 18 for alcohol, separate enforcement operations had to be run, whereas when the age limits were unified at 18, the same enforcement operation could deal with all those products. That suggests, as the witnesses said in answer to some of my questions, that 18 is the logical age to set for this area.

Victoria Atkins: That is an extremely interesting point and I am grateful, as ever, to my hon. Friend for bringing his professional expertise into Committee.

I hope Opposition Members understand that we have considered this very carefully and have had to weigh up the pros and cons of the age limits as they are. We argue that, although having restrictions against under-18s is also arguably discriminatory, if one takes a libertarian view about these things, it is justified because it replicates measures already in place to deal with knives. It is justified both on public safety grounds and because of the need to safeguard children. As I have said, corrosive products are not, in themselves, weapons, so we have come to the conclusion that there is not the evidence to justify excluding adults from being able to buy such products for legitimate purposes.

Raising the age limit for purchasing bladed articles would raise even more of an issue, because it would mean that adults—as recognised by law in this country—could not be sold products that they need to lead their daily lives. It would mean that a 20-year-old chef or

[Victoria Atkins]

carpenter could not buy the items needed to do their job. It would mean that adults could not be sold table or bread knives or certain types of gardening equipment.

This is particularly pertinent at this time of year. Over the next few weeks, thousands of students will go to university for the first time and will be setting up their flats or halls of residence, and they will perhaps buy some of those kits of pots, pans, crockery and knives that I see collected together in shops around the country. We get the sense that these people are probably over the age of 18 and trying to set up home for the first time, and the amendment would mean that those 18, 19 and 20-year-olds would not be able to set up home as they can now.

Knives and other bladed articles have thousands of legitimate uses, and restricting their sale to those aged over 21 would have a disproportionate impact on the vast majority of law-abiding adults in this country. It would also have implications for online retailers and delivery companies, because many online age verification systems, such as the electoral roll system, will not identify whether someone is under 21. It would mean that products ordered from overseas could only be handed over to a person who could prove that they were over 21 by producing a passport or driving licence, which not all members of the public have. It would also have implications for the operation of the Poisons Act 1972 and who can apply for an explosives precursor and poisons licence. For those reasons, we will resist the amendments.

As a footnote, I assure the Committee that we will continue to work with retailers on putting in place Challenge 21-type schemes of the sort that many retailers already have for the sale of alcohol. Our voluntary agreements on the sale of knives and corrosives have proven to be popular schemes for retailers. We believe that through these sorts of measures, which educate the public while also helping shop owners by giving them the confidence to challenge, we will help to address some of the terrible cases that the right hon. Member for East Ham set out. We will therefore resist the amendments. Alternatively, I invite the right hon. Gentleman to withdraw his amendment.

5.30 pm

Stuart C. McDonald: It is with some reluctance that I must explain why I cannot support this group of amendments. Amendment 53 relates to clause 12, which sets out defences applicable in England and Wales only; there are equivalent provisions in clauses 13 and 14 for Scotland and Northern Ireland. We are talking about a devolved matter, and I understand that the Scottish Government, who have obviously agreed this legislation with the United Kingdom Government, are not unsympathetic or closed to the idea of changing the age limit for buying these products from 18 to 21, but would not do so without full consultation and further consideration of some of the issues that the Minister has spoken about. I will therefore not vote for amendments relating to England and Wales when the Scottish Government are not prepared to enact the same measures in Scotland.

I am also sympathetic to amendments 1 to 9, but similar reasons apply, albeit that they are not devolved matters this time. I am not yet utterly convinced that the benefits that could accrue from these amendments cannot be largely achieved by other provisions already in the Bill,

without the unintended consequences that the amendments might bring. I do not think that the evidence for fixing the age limit at 21 is quite there yet. I am open to persuasion, and could perhaps be persuaded by Report, but I am not there yet, so I cannot support the amendments today.

Stephen Timms: I am grateful to the Minister for her thoughtful response to the amendments, although I am of course disappointed by the conclusion that she reached. I accept that it might be difficult to raise the age limits—it would not be completely straightforward—but that does not mean that it should not be done.

Indeed, the Minister's evidence seemed to set out a stronger case than mine. If the most recent data suggest that the average age of the people carrying out these attacks is 23, the case for limiting the ban on sales to 18-year-olds is even weaker, and the case for raising the threshold to a higher level is stronger still. The Minister is absolutely right to make the point that the average age of perpetrators varies between years, but it is clearly the case—as shown by the Metropolitan police figures given in answer to my freedom of information request, which I think go back to 2002—that setting the restriction at the age of 18 is too low.

The Minister makes the point that a change will cause inconvenience for some. However, the question is how seriously the Committee is willing to take this problem. Do we recognise the appalling harm being done by acid attacks? Some of them are carried out by under-18s, but the majority are carried out by people who are young but who are over 18. If we raise the age limit to 21, we would be able—I think—to reduce the scale of the problem among a significant cohort of those who carry out such attacks at the moment.

I am puzzled by the Minister's suggestion that the Government might lose a challenge over this on age discrimination grounds. One would be able to, and would certainly have to, defend the decision on clear public interest grounds. If an age limit of 18 can be defended, I see no reason at all why an age limit of 21 could not be, given that we know that so many of those carrying out acid attacks are between the ages of 18 and 21. There is a clear public safety ground for seeking to reduce the availability of acid to people aged 18 to 21.

On the question of inconvenience, I accept that there will be some difficulties for some of those who are required to implement such changes. However, given that Challenge 21 is in place, shopkeepers are already getting into the habit of challenging people up to the age of 21. The basics for implementing this change in shops are in place. I accept that there would be some difficulties and that this is not completely straightforward. However, I impress upon the Minister that the scale of the harm of acid attacks carried out by people aged 18, 19 or 20 is too great for us simply to allow people to carry on getting hold of this stuff and doing harm, so I will press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 10.

Division No. 1]

AYES

Foxcroft, Vicky
Haigh, Louise
Jones, Sarah
Morgan, Stephen

Siddiq, Tulip
Smyth, Karin
Timms, rh Stephen

NOES

Atkins, Victoria	Maynard, Paul
Foster, Kevin	Morris, James
Huddleston, Nigel	Pursglove, Tom
McDonald, Stuart C.	Robinson, Mary
Maclean, Rachel	Scully, Paul

Question accordingly negated.

Victoria Atkins: I beg to move amendment 13, in clause 1, page 2, line 16, at end insert—

“(8A) In Scotland, proceedings for an offence under subsection (1) may be commenced within the period of 12 months beginning with the commission of the offence.

(8B) Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of subsection (8A) as it applies for the purposes of that section.”

This amendment provides for proceedings in Scotland for an offence under Clause 1 to be brought within 12 months of the commission of the offence. Under section 136 of the Criminal Procedure (Scotland) Act 1995 the default period for bringing summary proceedings is 6 months.

The Chair: With this it will be convenient to discuss the following:

Government amendments 14 to 16, 18 to 20 and 31 to 34.

Government new clause 5—*Presumptions in proceedings in Scotland for offence under section 1, 3 or 4.*

Government new clause 6—*Presumptions in proceedings in Scotland for offence under section 5.*

Victoria Atkins: The amendments have been tabled following, as I said at the beginning, very good engagement with the Scottish Government, and they reflect the different legal system in Scotland. Amendments 13, 15 and 18 extend the time limits that would otherwise apply for the prosecution of the summary-only offences contained in clauses 1, 3 and 4. Under section 136 of the Criminal Procedure (Scotland) Act 1995, any summary-only offence in Scottish law is required to be prosecuted within six months of the commission of the offence.

However, that time limit can be changed if express statutory provision is made. The amendments do just that by providing that prosecutions will be required to be brought within 12 months of the commission of the offence, rather than six. That is because forensic testing may well be required to prove the offences in court. That is particularly an issue under Scots law, given that all criminal offences prosecuted in Scotland require corroborated evidence. It is therefore anticipated that forensic testing may become more of a feature in prosecutions in Scotland than elsewhere in the UK, and this extension seeks to reflect that position.

New clauses 5 and 6 are the substantive clauses that create an evidential presumption in Scotland. New clause 5 relates to the offences in clauses 1, 3 and 4 and provides that any substance that is in or was in a container is recognised as being a substance as described on the label for the container. However, that presumption can be rebutted by the person accused of the offence if they give at least seven days’ notice of such an intention prior to trial. New clause 6 provides for a similar presumption for the offence in clause 5. The intention

behind the amendments is to make the prosecution of the offences in clauses 1, 3, 4 and 5 more straightforward in Scotland.

If I may, I will speed over the very interesting notes I have on Scottish law, because I suspect I would only be trying to repeat what the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East knows very well. The basis behind the clauses is to assist the implementation and effectiveness of the clauses in Scotland and under its legal system.

Louise Haigh: I hope this is in order. As these clauses relate to sentencing, evidential provisions and technical definitions of “defence”, I wanted to seek clarity from the Minister on the different thresholds contained in the clause in relation to England, Wales and Northern Ireland, separate from Scotland. There appear to be small, but significant differences in the wording of “defence” as stipulated in the legislation; clause 1(2) and clause 1(3) contain one example, whose formula is repeated throughout the Bill. The clause states that

“it is a defence for a person charged in England and Wales or Northern Ireland...to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.”

Whereas for Scotland, the due diligence and precautions are explicitly included in the Bill.

As regards the sale of corrosive products under clause 1(4),

“the accused is to be treated as having the accused is to be treated as having taken reasonable steps to establish the purchaser’s age if and only if...the accused was shown any of the documents”—

namely, a passport, an EU photocard driving licence or any other document as Scottish Ministers prescribe—

“and...the document would have convinced a reasonable person.”

Will the Minister clarify whether there are different evidential thresholds for the separate jurisdictions? It seems preferable that we would have the same prescriptive threshold in England, Wales and Northern Ireland as in Scotland.

Victoria Atkins: The differences are simply to reflect the differences between Scottish law and the law in the rest of the United Kingdom. As I said, Scottish law requires corroborated evidence. We need to ensure that any necessary forensic testing can be undertaken, for example. The reasons behind the defences are to keep things in step with the law that is already the case in Scotland and to enable the defences to be applied appropriately. As I referred to, we have a legislative consent motion from the Scottish Government already, and they are supported by the Crown Office and the Procurator Fiscal Service, which will be responsible for prosecuting the offences in Scotland.

Amendment 13 agreed to.

Stephen Timms: I beg to move amendment 10, in clause 1, page 2, leave out lines 18 to 21 and insert

‘a product which is capable of burning human skin by corrosion.’

The Chair: With this it will be convenient to discuss amendment 12, in clause 5, page 6, leave out lines 40 to 41 and insert—

“‘corrosive substance’ means any of the substances listed in Schedule 1.’

Stephen Timms: This group of two gently probing amendments reflects my puzzlement at what strikes me as a quite peculiar feature of the Bill. Clauses 1 to 4 deal with the sale and delivery of corrosive products and cover the age limit that we have debated already this afternoon. For this part of the Bill, corrosive products are defined in clause 1(9) in reference to the list in schedule 1. We will discuss later the specific things on that list, why they are there and so on. Clause 5 and the following clauses deal with the possession of a corrosive substance. For that part of the Bill, a corrosive substance is defined in a completely different way. It is defined as “a substance which is capable of burning human skin by corrosion”. I am genuinely mystified about why we have two completely different definitions for essentially the same thing. I cannot see any good reason why the corrosive products referred to in clauses 1 to 4 should be defined so differently from the corrosive substances in clauses 5 to 11. If there is a good reason, I shall certainly be interested to hear it, but it seems to me to be a significant puzzle.

5.45 pm

It is fairly clear what happened. I imagine that two different teams of civil servants or advisers were working on these different tasks and chose to define the same thing in two different ways. Nobody bothered to reconcile the two definitions by doing a bit of cutting and pasting, and they have made it into the Bill. It strikes me at least as highly confusing that we have two different definitions. Worse than that, it is going to cause difficulty for those to whom we will be looking to enforce these parts of the Bill. They will have to ask themselves, “Oh! Am I dealing with a corrosive product or a corrosive substance?” because the definitions are different.

Those two things are not in practice the same. It is not two different ways of expressing the same thing. There are substances that corrode the skin and would qualify as a corrosive substance in clause 5 but which are not included in the list in schedule 1. On the other hand—this is something I want to press the Minister on—is hydrofluoric acid covered by the definition in clause 5? I know next to nothing about hydrofluoric acid, but I have read a little about it and I understand that it can do very nasty things to people if they are sprayed with it or come into contact with it in any other way. It penetrates the skin and once it is absorbed into the blood through the skin it can cause extremely serious injury, including organ failure and heart attack. However, the damage that it does as a corrosive substance is not directly through damage caused to the skin. Injury to the skin caused by hydrofluoric acid can take quite a long time to show up—a day or so—and in the meantime serious internal damage can be done. The practical and real question that the use of contradictory definitions gives rise to is this: is the possession of hydrofluoric acid in a public place an offence under this Bill? It is not clear from the wording of the Bill as it stands that it is. It is not crystal clear—the Minister may be able to reassure me on this—that hydrofluoric acid in particular meets the definition set out in clause 5 where it says, “‘corrosive substance’ means a substance which is capable of burning human skin by corrosion”.

I am playing it both ways with my amendments. Amendment 10 would put the clause 5 definition into clause 1, and if that is not the right answer, amendment 12 would put the clause 1 definition into clause 5. In terms

of which I would prefer, on balance it seems to me that we ought to adopt amendment 12 and the schedule 1 list approach rather than the purposive definition in clause 5. I think it is safer to set out in schedule 1 what we mean by a corrosive and use that throughout the Bill.

In practice, if the Metropolitan police or police forces around the country and in the other countries of the United Kingdom are seeking to enforce the definition in clause 5, which says that someone cannot have a corrosive substance in a public place, they will have to be given a list of the substances that are covered. Clearly, a police officer is not going to say, “Can I have a look at that substance? Let me see whether it corrodes skin, and if it does you’re committing an offence.” In practice, they would have to know the substances that people are not allowed to possess in a public place, so I think they would have to come up with a list anyway. If for enforcement purposes we have to come up with a list, why not use the list that is in the Bill already in schedule 1? I am therefore in favour of amendment 12, which does it that way round, rather than amendment 10, which does it the other way, because I think we ought to be working with one list rather than two.

It strikes me as highly unsatisfactory for the Bill to adopt different, and indeed contradictory, definitions of “corrosive”. It is a recipe at least for confusion, and quite possibly for worse, not least among those on whom we will depend to enforce the provisions. There ought to be one definition rather than two, and that is the effect of both amendments. My preference, as I have explained, is for amendment 12.

Victoria Atkins: I am grateful to the right hon. Gentleman. I hope that I can reassure him that this is not, as he fears, a failure to cut and paste and ensure that the Bill is consistent; it is entirely deliberate. In clauses 1 to 4 we have sought to deal with the most harmful corrosive products. We have used the word “products” in clauses 1 to 4, and “substances” in clause 5 and onwards, because those are the products that we want to ensure that retailers have listed, and understand very clearly must not be sold to under-18s. The offence of selling a corrosive product to a person under 18 is defined by clause 1(9) of the Bill as any product that is a substance listed in schedule 1, or that contains a substance with a concentration level higher than the limit listed in the second column of the schedule.

I know that the right hon. Gentleman has noted that we have put hydrofluoric acid down at 0%. There is a certain intellectual, philosophical point about whether something can exist at 0%. The concern of the scientists, and this is all led by scientific evidence, is that that acid is so dangerous that any trace elements of it whatsoever have the potential to do real harm. We have sought to make it as clear as possible to manufacturers and retailers that selling a product that contains any amount of that substance to under-18s falls foul of schedule 1. We understand that manufacturers and retailers need clarity on which products they can and cannot sell to under-18s if they are to avoid committing a criminal offence.

Corrosive substances appear in a vast range of products—everything from vinegar and lemon juice to industrial strength cleaners. The intention in clauses 1 to 4 is to ban the sale of products that contain sufficient amounts of particular corrosives that they are capable

of being used in acid attacks, which is the particular harm that we are seeking to address. It is not the intention to ban the sale of corrosives per se—only the ones that can be used as a weapon.

We need to be clear to manufacturers and retailers that the intention is that they will barcode the appropriate products, so that the shop assistant at the till will be alerted to any potentially restricted sales. It will also enable online retailers to be clear about which products can and cannot be sent to a residential address. The approach of setting out particular chemicals and concentration levels mirrors that used in the Poisons Act 1972, which is an approach already understood well by retailers and manufacturers.

I turn to clause 5 onwards, which is the offence of possession in a public place. The right hon. Gentleman asked me whether hydrofluoric acid is included in clause 5; it is. All the substances in schedule 1 are, by definition, there because they could do harm. It follows that they fall into the simpler definition of corrosive substances under clause 5.

Louise Haigh: Will the Minister clarify whether all these substances at any concentration will fall under the definition in clause 5?

Victoria Atkins: I will return to that point in a moment, if I may.

On clause 5 generally, we have taken a different approach because we want to reflect the operational realities of police officers on the ground trying to deal with situations in which they think a young person or people have potentially decanted corrosive and harmful substances into different containers. They are not chemists and they do not have a laboratory on the street to help them decide whether the exact concentrations set out in schedule 1 have been met, so we wanted to come up with a definition that could be used widely as part of operational policing, based on the effect that the substance could have.

We use “substance” from clause 5 onwards to differentiate it from the schedule 1 substances. The resulting definition captures all the substances listed in schedule 1, all of which are capable of burning human skin, but it might also include other substances that are capable of such burning, by corrosion, for example an acid not currently listed there. It will also help police, subject to the stop-and-search consultation that we have open at the moment, to seize substances they find on the street without having to worry about their specific chemical make-up. We hope, therefore, that by having two separate definitions of corrosives in the Bill we are addressing both the operational needs of the police and the expectations of manufacturers and retailers, while also helping them.

In response to the hon. Lady’s query about lower concentrations, the level could be lower, for example 10% rather than 15%, but for some it is a very low concentration, for example at 0.5% it may no longer burn the skin. The point is to enable officers on the ground to make arrests as they deem appropriate, and in due course the substances will no doubt be examined and the appropriate offence charged, if a charging decision is made.

I hope that I have reassured the right hon. Member for East Ham on his concerns about having two different definitions. Ultimately, they are meant to try to ensure that the most dangerous, harmful substances are caught

by schedule 1, while also ensuring that police officers are able to do their job on the ground, day to day, under clause 5.

Stephen Timms: I am grateful to the Minister, but I must say that I do not understand her explanation. I think that what she has done, very effectively, is to make a good case for the schedule 1 approach. I completely accept that retailers need to be clear about what it is they are not allowed to sell, but surely police officers equally need to be clear about what people are not allowed to carry around the streets.

Victoria Atkins: To be clear, we know that some people who see acid as a weapon of choice decant the substance into a drinks bottle. Sometimes even the containers the substances are sold in do not have the percentages on them, which is why barcoding for manufacturers will be so important in helping retailers understand. We cannot expect officers, with the best will in the world, to know, when presented in the high street with a water bottle full of a clear substance, that it is hydrofluoric acid of greater than 0%, or any of the other substances in schedule 1, so the reason for the two separate definitions is to try to ensure that clause 5 works on the ground for officers.

My concern about amendment 12, if I have understood the right hon. Gentleman correctly in that it imposes the schedule 1 definition on clause 5, is that it would restrict the application of that clause. There will be corrosive substances that if on human skin for long enough could start to burn it but which do not fall into the very high harm category of products we have put into schedule 1.

I am sorry for the long intervention.

6 pm

Stephen Timms: So the Minister is saying it is a question of the severity of the effect of the substance. That is a little bit more helpful, but I am still puzzled. If a police officer takes a Lucozade bottle that has something dodgy in it, I am not sure they will be able to establish very readily on the spot whether it is a corrosive substance or not.

Victoria Atkins: The right hon. Gentleman is absolutely right. This is why the Defence Science and Technology Laboratory is developing test kits to help the police. It will not be a terribly complicated, scientific laboratory-type test, but it will be a test that they can use on the ground in the heat of what may be a quite volatile arresting situation.

Stephen Timms: I am grateful to the Minister for that. That sounds like a welcome step. Will that kit test for things in schedule 1 or for general corrosion? [*Interruption.*] Okay.

The Chair: The Minister indicated her assent.

Stephen Timms: I am grateful for that way of communicating that information. That does sound helpful.

The Minister mentioned vinegar and, presumably, possessing vinegar in a public place will not be an offence. Surely we are talking about things which will do serious damage, which, it seems to me, takes us back to the attractions of the schedule 1 approach.

[Stephen Timms]

I made it clear at the start that I am not planning to push this to a vote, but I think there is a danger here that police officers will be given a rather unclear duty and have an unclear obligation imposed on them by this part of the Bill. As we have debated it, the view I suggested at the start has been strengthened. The clarity schedule 1 brings would be helpful in clause 5, as well as in clauses 1 to 4, but I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Louise Haigh: I beg to move amendment 49, in clause 1, page 2, line 21, at end insert—

“(c) all substances listed under Schedule 1A of the Poisons Act 1972”.

This amendment would list all of the substances listed under Section 1A of the Poisons Act 1972 “corrosive products”, making it illegal to sell them to a person under the age of eighteen.

The Chair: With this it will be convenient to discuss amendment 11, in schedule 1, page 36, leave out line 11.

Louise Haigh: As we have noted, there has been support from right hon. and hon. Members for the principles behind restricting the sale of acid and for acid possession offences. My hon. Friend the Member for West Ham has made a compelling case in many previous debates for restrictions on and licensing of acid, particularly when she spoke about the implications of the bonfire of the quangos in 2015 and the consequences of that deregulation.

We are living with the consequences of changes under that legislation, which meant that a whole band of corrosive substances and poisons were made freely available for sale with little to no real control. We believe that was a big mistake and I hope the discussion today will give the Government cause to rethink, particularly as regards some of the evidence presented in this amendment and in new clause 16, which calls for a much broader rethink of the classification under section 1A to the Poisons Act and the decision to create a sliding scale of regulatory controls on reportable substances and regulated substances, despite evidence of serious harm in both categories. The principle behind that deregulation of poisons and corrosive substances was made in a very different climate to that of today. In 2015, corrosive substances was seen, in the words of the right hon. Member for West Dorset (Sir Oliver Letwin), as “perfectly innocuous,” rather than the potentially offensive weapons that we are discussing today.

As amendment 49 attempts to address, there are also issues with which poisons would be available for sale to under-18s. In our view, as we heard in discussions of previous amendments, it is much too narrowly drawn. Although it is not perfect, we accept the amendment would at least establish controls on a band of poisons and corrosive substances that were deregulated previously, preventing their sale to under-18s. In reality, we believe that the Government should go much further and look at re-designating many of the reportable substances as regulated substances, in line with the recommendations of the Poisons Board before its abolition.

Schedule 1, which we believe is too narrowly drawn, counts only nine corrosive substances that would be prohibited for sale to a child. We believe that is problematic, as it allows for sale certain poisons that are harmful to health and that can be bought and sold online with

ease. I will refer to just a few of the substances, by way of example. They include nitrobenzene, which is toxic if swallowed, can cause acute toxicity if it comes into contact with skin, is toxic if inhaled, is suspected of causing cancer, and may damage the fertility of an unborn child. Although it is a reportable substance under schedule 1A to the Poisons Act, it does not currently feature in schedule 1 to this Bill, meaning that it can be sold to any child who wishes to buy it.

Yesterday, while I was searching for reportable substances, I looked at whether it was possible to purchase pure acetone on eBay. Again, acetone is a reportable substance under schedule 1A to the Poisons Act, but under this Bill any child could buy it. According to the Government’s own website, acetone is toxic following inhalation or ingestion, is an irritant to skin that can cause dermatitis and can lead to corneal damage if it comes into contact with eyes. It is manufactured in large quantities to produce a variety of products, including nail polish and varnish removers, plastics, paint, adhesives and inks, and it is also used to make other chemicals, such as acetylene. In South Africa, pure acetone was used in an acid attack that scarred a woman for life and caused severe burns to her face and body. Pure acetone of a concentration of 99.5% can be bought on eBay for £17.50. In this instance, however, that is not the fault of the platform; it is very clearly the fault of the lack of existing regulation of substances that, in the wrong hands and in high concentrations, can cause serious damage.

Methomyl is perhaps the most troubling. It was originally used as an insecticide for agricultural purposes, before widespread concerns began to emerge about its potential toxicity. Despite that, it is readily available online as we speak and within the UK it is only a reportable substance, meaning that retailers only have to report suspicious transactions. In the United States, the Environmental Protection Agency has said that of methomyl that it is “a highly poisonous material in humans. It is highly toxic if it is ingested or absorbed through the eyes, moderately poisonous when inhaled, but of lower toxicity with skin, or ‘dermal’, exposure...Methomyl is a highly toxic inhibitor of cholinesterase, an essential nervous system enzyme. Symptoms of anti-cholinesterase activity include weakness, blurred vision, headache...abdominal cramps, chest discomfort, constriction of pupils...muscle tremors, and decreased pulse. If there is severe poisoning...confusion, muscle incoordination, slurred speech, low blood pressure, heart irregularities, and loss of reflexes may also be experienced. Death can result from discontinued breathing, paralysis of muscles...intense constriction of the openings of the lung, or all three”.

We believe that we need a comprehensive approach to restrictions on sale and we are concerned by the measures in schedule 1. The focus on under-18s entirely ignores the evidence and fails to consider the issue in the round. Quite frankly, it is chilling that such poisons, which can cause so much harm in the wrong hands, are freely available online.

The previous regime was not perfect, but the most dangerous substances could only be sold by a pharmacist in a retail pharmacy business and sales had to be recorded on a register. Substances in part 2 of the poisons list could be sold only by retailers that had registered with their local authority. Under the previous system, acids could only be purchased from registered retailers, which were usually hardware or garden stores. According to the Government’s explanatory notes to the Deregulation Act 2015, that Act was intended to “reduce the burdens on business. The Poisons Act 1972 and the Poison Rules 1982 were highlighted as adding burdens to businesses”.

We also note that during the 2012 review the Government rejected the views of the Poisons Board, which has now been abolished. The board had suggested tighter controls on the sale of corrosive substances, so I ask the Minister if she will now commit to publishing that evidence, which has never entered the public domain.

As I have said, we would like to see the Government to go much further in this area. We need to see wholesale reform of the treatment of individual poisons, so that where there is clear evidence that an acid is capable of causing harm and is toxic to human health, it is designated as a regulated substance, which will bring with it a suite of controls, including on possession and supply. That would include substances such as hydrochloric acid and ammonia, which have no place on general sale. This amendment is a starting point, as it would regulate all poisons and corrosive substances under section 1A to the Poisons Act, preventing them from getting into the hands of children.

Victoria Atkins: Amendment 49 seeks to amend schedule 1 to include all substances under schedule 1A of the Poisons Act 1972. The substances covered by the Poisons Act are regulated poisons, regulated explosive precursors, reportable poisons and reportable explosive precursors. The reason we have a separate schedule for the Offensive Weapons Bill, rather than aligning with the provisions in schedule 1A of the Poisons Act, is that the Bill seeks to prohibit the sales of certain corrosive products by retailers to those under the age of 18. There are similarities between the two schedules, and schedule 1 of the Bill contains eight substances that are also included in schedule 1A of the Poisons Act. Those are two regulated explosive precursors—nitric acid and sulphuric acid—and six reportable poisons.

We have based the substances in schedule 1 on scientific advice from DSTL. I hope members of the Committee have had the opportunity to read that evidence. As I have said, the rationale for having a separate list rather than using the substances in the Poisons Act is that the Bill focuses on the harm caused by attacks using corrosive substances.

Substances that could be used in the illicit manufacture of explosives or that are poisonous are already subject to control on sale and supply to members of the public through the Poisons Act. For the schedule of corrosive products in the Bill, we have included those substances, after taking the scientific advice I mentioned, which we know have been used in attacks or which are so corrosive that, if misused, could cause permanent harm and leave someone with life-changing injuries. In order that the schedule continues to reflect the latest intelligence or evidence, there is a power in the Bill that allows the Secretary of State to amend the schedule should anything need to be added, removed or amended.

It should also be stressed that the Poisons Act and the Offensive Weapons Bill, although having a small number of the same substances in their schedules, seek to achieve different legislative controls. We are of the view that it would not be right to combine the two given the very distinct policy aims of each piece of legislation. The Poisons Act is primarily aimed at controlling substances that could be used in the illicit manufacture of explosives or are poisons, which is dealt with through a cohesive licensing and reporting regime, whereas the prohibitions in this Bill are aimed primarily at preventing the retail

sale or delivery of products that we know have been used in attacks. We are of the view that having two different legislative rationales and regimes for control of substances in one schedule would lead to burdens on law enforcement, retailers and manufacturers alike.

Louise Haigh: Before the Minister concludes her remarks, will she confirm whether the Department received scientific or medical advice specifically on the chemicals I mentioned—nitrobenzene, acetone and methomyl—and in particular acetone, given that there has been an attack using that substance?

Victoria Atkins: If I may, I will write to the hon. Lady, because she raises an important point. I emphasise that the Bill has a schedule that reflects its policy intent and not that of other legislation. I ask her to withdraw the amendment.

Stephen Timms: The Minister referred to amendment 11 in her remarks on the previous group. I want to query one particular aspect of schedule 1 because there is a broader point here. She said something about schedule 1 and the DSTL submission that has been made available to the Committee—I am grateful to her for ensuring that we had that in time for this debate. What I am not clear about is what exactly the basis is for including something in schedule 1 or the annex to the summary of the scientific evidence. What is the basis for setting the concentration that is spelt out in the Bill? Is there a threshold for the degree of corrosiveness—or something—that must be passed in order for a substance and a concentration to be specified on the face of the Bill? When we saw the scientific evidence, or the summary of it, I hoped that we would have some information about that, but it is a very thin document; it is an annotated couple of sides and does not tell us very much more than the schedule itself. I wonder whether the Minister can tell us a little more about the basis for including each of the entries in schedule 1.

6.15 pm

The entry picked up by my amendment 11, as the Minister has anticipated, is hydrofluoric acid, which is included in schedule 1 from a concentration of zero. I do not know very much about hydrofluoric acid, but my guess is that tap water probably has more than 0% concentration of hydrofluoric acid. I completely accept, from my limited research, that it is extremely damaging stuff even at a low concentration, but the claim that 0% is the only safe level of concentration for hydrofluoric acid seems a bit problematic. Is it really true that, for example, 0.000001% hydrofluoric acid is comparable in corrosive strength to 10.1% or 15.1% sulphuric acid? It seems a bit improbable to me, and I would be grateful if she could tell us a little more about the basis for including each of those entries in the schedule. Can the Minister tell us, for example, whether any substances were on the borderline and were considered for inclusion but ultimately—no doubt for very good reasons—were not? Can she tell us where bleach is? I have no doubt that bleach is one of these, or that one of these substances is the active ingredient of bleach, but I am not quite sure where it is.

I am disappointed by the thinness of the summary of the scientific evidence. I hope that some more methodical work was done, looking at the range of substances that might be included and concluding, on the basis of

looking at those databases identified here, which ones ought to be included and which concentrations should be adopted, but there is not much evidence of that. If the Minister is able to tell us any more about that I would be grateful. In particular, is she really telling us that 0.0000001% hydrofluoric acid is very corrosive? I am sceptical.

Victoria Atkins: I fear that my inadequacy in chemistry at school is about to be shown up. I will not try to give expert evidence on the concentration of hydrofluoric acid except to describe what I have been told: that hydrofluoric acid is highly reactive with glass and many metals; that it is apparently used for specialist purposes in stained glass working, glass etching and geology; that it is highly corrosive and readily penetrates intact skin, nails and deep tissue layers; and that skin exposure to any quantity can be dangerous. When the laboratory was asked for safe concentrations, the advice was that it is difficult to set a concentration limit due to the high corrosiveness of this acid.

However, I have heard what the right hon. Gentleman says about his disappointment with the evidence given by the laboratory, and I will ask it to provide him with a more detailed response, since this is obviously of interest to him. The test or threshold that was set was whether the product could cause permanent damage and whether it was available in products that people can buy. I am also happy to commit to write to the Committee on the point he made about borderline products. As for the point about 0.0000001%, I will ask the laboratory specialists to answer it in the correspondence. I appreciate his testing of the inclusion of these substances in the schedule, but we have done that on the basis of the evidence we have been given by scientists, obviously following analysis of the offences committed.

The right hon. Gentleman asked about bleach, which is also known as ammonium hydroxide. Household bleach is not captured by the age restrictions under schedule 1. Sodium hypochlorite is a primary constituent of various household bleaches but is contained within thresholds where it would not cause permanent or life-changing injuries. The threshold for sodium hypochlorite has been set at 10% as that is the threshold beyond which the chemists at the Defence Science and Technology Laboratory have advised us permanent damage would be caused. The kind of products captured within that threshold include commercial bleaches, swimming pool disinfectants and oxidation products. I reiterate: if in the future it is thought that further substances should be added, or the schedule amended, we have the power to make changes through statutory instruments made under the affirmative procedure. I hope that I have reassured the right hon. Gentleman, subject of course to the extra information to be provided by the laboratory. I invite him not to press his amendment if he feels able to at this stage.

Louise Haigh: I thank the Minister for her as ever thorough response. I look forward to receiving the written representation about the chemicals I mentioned. I understand and accept why the Poisons Act contains a different schedule. I am satisfied that the provisions under subsection (10) will enable sufficient flexibility to allow modification of schedule 1. I hope that all of us, collectively as Parliament, will be able to hold the

Government properly to account to ensure a review as and when evidence is forthcoming. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Louise Haigh: I beg to move amendment 51, in clause 1, page 2, line 24, at end insert—

‘(10A) The appropriate national authority may only modify or remove a reference to a substance under Schedule 1 following the publication of evidence pertaining to that decision by the appropriate authority and subject to approval from both Houses of Parliament.

(10B) In subsection (10A) the “evidence pertaining to that decision” must include—

- (a) a report by the National Police Chiefs’ Council on the use of the substance in attacks; and
- (b) a report by relevant clinicians on the effect of the substance.’

This limited amendment follows on from our previous discussion, with particular relevance to the Deregulation Act 2015. On the previous amendment, I raised the issue of evidence from the Poisons Board, and I hope that the Minister will consider my request to make public the evidence and advice that the Government received from the board in 2012 in the most recent review of the poisons scheduled under the relevant Act.

Given the enhanced public concern about the use of substances and the reasoning for the Bill, we believe that it would be inappropriate for the Government to amend the definition without appropriate scrutiny and consideration by relevant bodies. The amendment includes, but is not limited to, the police and relevant clinicians, although I heard the comments of the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East about the need for other bodies, such as Police Scotland, to be involved in such a review.

The amendment rests on the data provided by the National Police Chiefs Council being vastly improved. As we have heard, the data about acid attacks is not remotely sufficient. That data would form the basis of the evidence pertaining to the decision to remove or add a substance to schedule 1. The Government, with the NPCC, are looking at the reporting of attacks that use corrosive substances. We would welcome an update on that work.

The amendment also stipulates that “a report by relevant clinicians on the effect of the substance” must be provided. That part of the amendment is broadly drawn to allow Ministers to take appropriate advice, but we would expect such a report to contain information on toxicity, respiratory functions, and the effect of ingestion and contact with the eyes. As we heard, focusing simply on whether a product is capable of burning human skin by corrosion is not necessarily appropriate.

We hope that the Government will accept the amendment in the spirit in which it is intended, to allow for a more informed discussion about which poisons are and are not on the list in schedule 1, and which are intended to be in the future.

Ordered, That the debate be now adjourned.—(Paul Maynard.)

6.25 pm

Adjourned till this day at Seven o’clock.