

### Knives, other bladed items and corrosive substances

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#### **This guidance is for England and Wales**

It is illegal to sell and deliver knives, other bladed products and corrosive substances to anyone under 18. When they are delivered, they should not be handed over to anyone under that age. Corrosive substances, when sold remotely, must not be delivered to a residential address.

The legislation is enforced by the police and trading standards. Sellers should always verify the age of the purchaser before a sale, and delivery companies should do so on delivery.

Further restrictions are included in the Knives Act 1997, which specifically deals with knives advertised for use in 'combat'.

The Government has introduced schemes that aim to restrict access by under-18s to these products:

- responsible sales of acid and corrosive substances: voluntary commitments

- sale of knives: voluntary agreement by retailers

Sellers are encouraged to sign up to these schemes.

## The law

In the following text you will see references to both 'bladed articles' and 'bladed products', which are the terms used in different pieces of legislation. They have slightly different meanings, which are explained below.

### Criminal Justice Act 1988

It is an offence for any person to sell the following bladed articles to someone under the age of 18:

- knife, knife blade or razor blade
- axe
- other article that has a blade or is sharply pointed, and is made or adapted for use for causing injury to the person

The Act does not interpret these categories any further, but it is expected that they include:

- any kitchen knife
- cutlery and bread knives
- butchers knives, including meat cleavers
- hobby knives and knives for trade use
- utility and survival knives
- trade tools, including those used for gardening and farming that fit the description of a knife
- cut-throat razors
- machetes and swords

The prohibition does not apply to:

- folding pocket knives, if the cutting edge of the blade is less than 7.62 cm (three inches)
- replacement cartridges for safety razors, where less than 2 mm of the blade is exposed

When an age-restricted bladed article is sold remotely (such as online or by phone) the package should be delivered into the hands of someone aged at least 18.

An age-restricted bladed article should not be delivered, nor arrangements made to deliver it, to a locker (for example, the type where the consumer would be given an access code to open the locker and collect the product). This is because it would not be possible to verify the age of the person collecting the item from a locker.

### Knives Act 1997

It is an offence to market a knife and also an offence to publish marketing material in relation to a knife in a way that either:

- indicates or suggests that it is suitable for combat (the term 'suitable for combat' means that the

knife is suitable for use as a weapon for inflicting injury or causing fear of injury to the person)  
... or

- is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon

An indication or suggestion that a knife is suitable for combat may be made by a name or description in any of the following ways:

- applied to the knife
- on the knife or on any packaging in which it is contained
- included in any advertisement that expressly or by implication relates to the knife

There are exemptions to allow sales of such items for legitimate purposes, such as for use by armed forces, as antiques or as collectors' pieces.

## **Offensive Weapons Act 2019**

### **Bladed articles / bladed products**

'Bladed products' are a specific type of bladed article. They are defined as articles that are, or have, a blade and are capable of causing serious injury to a person, involving cutting that person's skin. They have extra restrictions on sale and delivery.

As bladed products are a type of bladed article, all requirements that apply to bladed articles also apply to bladed products, but not vice versa.

The Offensive Weapons Act 2019 makes it an offence for the seller to deliver, or arrange the delivery of, bladed products to residential premises, unless certain conditions are met that would allow the seller to prove that they took all reasonable precautions and exercised all due diligence to prevent the item from being delivered to a person under 18. This would apply to sellers whether they have their own delivery arm or to those who arrange delivery to a residential address by a separate delivery company.

Sellers that make their own deliveries have defences available to them. Where a seller is delivering the bladed product themselves, they will need to ensure that they have internal procedures in place to ensure that when delivered, the bladed product would not be handed to a person under 18. They also need to prove they have taken all reasonable precautions and exercised all due diligence to ensure that this occurred. Steps that sellers would need to take are likely to include those for the sale of bladed articles, such as having an adequate age verification system in place, labelled packaging and taking measures to ensure that the package is only handed over to someone aged 18 or over.

The effect of this is that where a seller has such procedures and has taken all reasonable precautions and exercised all due diligence, they can deliver bladed products to residential premises.

See below for more information on defences.

There are some products that are unlikely to fall under the definition of a bladed product and can be delivered to residential premises (though the age of the person they are handed to still needs to be checked):

- cutlery knives (not sharply pointed steak knives)
- utility knives with small cutting blades
- small cheese knives

- snap off cutters
- pizza cutters

A delivery company that has an arrangement with a non-UK seller of 'bladed articles'\* to deliver them to buyers in the UK, where the sale is made remotely (such as online or by phone), commits an offence if they do not deliver the bladed article into the hands of a person aged 18 or over. If the delivery company has no arrangement, or is unaware that they are delivering bladed articles, they are not committing an offence if the products are delivered to someone under 18.

[\*The definition of bladed articles is in the '**Criminal Justice Act 1988**' section above.]

A delivery company that has an arrangement with a UK seller of 'bladed products', where the sale is made remotely, commits an offence if they do not deliver the bladed product into the hands of a person aged 18 or over at that premises.

To assist delivery drivers, packages should be marked as containing an age-restricted product, which must only be delivered to somebody aged 18 or over.

**Corrosive products**

A person commits an offence if they sell a corrosive product to a person under the age of 18.

Corrosive substances (and the types of product in which they may be found)

<b>Name of substance</b>	<b>May be present in</b>
ammonium hydroxide	household cleaners, disinfectants, stain treaters
formic acid	wart removers, household descalers, food preservatives
hydrochloric acid	household cleaners (toilet bowl, bathroom tile and other porcelain cleaners), brick and patio cleaners, limescale removers
hydrofluoric acid	aluminium wheel cleaners, wire cleaners, rust removers
nitric acid	drain cleaners, toilet bowl cleaners, descalers
phosphoric acid	bath cleaners, tile cleaners, sink cleaners, toilet bowl cleaners, rust removers
sodium hydroxide	drain cleaners, oven cleaners, paint strippers
sodium hypochlorite	drain cleaners, toilet bowl cleaners, bleach (low concentration), descalers
sulfuric acid	drain cleaners, brick cleaners, car wheel cleaners, acid for car batteries (sold as such)

When a corrosive product is sold remotely, it is an offence to deliver it to a residential address, unless that address is also used as a business. It is also an offence for a seller to deliver, or arrange to deliver, corrosive products to a locker for collection. This is because it would not be possible to verify the age of the person collecting the item from a locker.

A delivery company that has an arrangement with a non-UK seller of corrosive products, where the sale is made remotely, commits an offence if they do not deliver the corrosive product into the hands of a person aged 18 or over. If the delivery company has no arrangement, or is unaware that they are delivering corrosive products, they are not committing an offence if the products are delivered to someone under 18.

To assist delivery drivers, packages should be marked as containing a corrosive product, which must only be delivered to somebody aged 18 or over.

## **Defences**

### **Criminal Justice Act 1988**

If you are charged with an offence of selling a bladed article to a person under the age of 18, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is known as the 'due diligence' defence. However, there are some limitations to this defence where the sale was a remote sale. To prove 'due diligence' you must prove the following conditions were met:

- you operated a system for checking that the buyer was not under the age of 18 and that the system was likely to prevent such a sale
- when the product was dispatched, it was clearly marked to show that it contained an article with a blade or was sharply pointed and that it should only be delivered into the hands of a person aged 18 or over
- you took all reasonable precautions and exercised all due diligence to ensure that the package would be delivered into the hands of a person aged 18 or over
- you did not deliver, or arrange to deliver, the package to a locker

### **Knives Act 1997**

If you are charged with an offence under the Knives Act 1997, you have the defence that you did not know or suspect, and had no reasonable grounds for suspecting, that the way in which the knife was marketed (or the marketing material) amounted to an indication or suggestion that the knife was suitable for combat or was likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon. You can also use the due diligence defence.

### **Offensive Weapons Act 2019**

If you are charged with an offence of selling a corrosive product to a person under the age of 18, you can use the due diligence defence.

Where a sale is a remote sale, the due diligence defence can only be proved if you meet the following conditions:

- you operated a system for checking that the buyer was not under the age of 18 and that the system was likely to prevent such a sale
- when the product was dispatched, it was clearly marked to show that it contained a corrosive product and that it should only be delivered into the hands of a person aged 18 or over
- you took all reasonable precautions and exercised all due diligence to ensure that the package would be delivered into the hands of a person aged 18 or over
- you did not deliver, or arrange to deliver, the package to a locker

If you, as seller, are charged with an offence of delivering, or arranging to deliver, a bladed product to a

residential address or a locker, you can use the due diligence defence to ensure the product would be delivered into the hands of a person aged 18 or over, for example:

- you operate an effective age verification system
- clearly label the packaging
- check that the delivery address is a business address
- if you use a delivery company, you ensure they have effective age verification procedures in place

It is also a defence if you can prove that:

- the bladed product was adapted for the buyer to their own specifications to facilitate its use or for a particular purpose
- you reasonably believed the buyer bought the bladed product for a sporting purpose or for historical re-enactment

A delivery company charged with failing to deliver a corrosive product or a bladed article (which includes bladed products) into the hands of a person aged 18 or over, can use the due diligence defence.

## **Keeping within the law**

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent an underage sale. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

### **Age verification checks**

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or photocard driving licence can also be accepted, but make sure that the card matches the person using it and the date of birth shows they are 18 or over. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the sale should be refused.

Please see the Home Office *False ID Guidance* for more information.

## **Operate a Challenge 21 or Challenge 25 policy**

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are 18 or over by showing valid proof of age.

## **Staff training**

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under the minimum legal age is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking members of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

## **Maintain a refusals log**

All refusals should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen refusals log is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

## **Store and product layout**

Identify the age-restricted products in your store and consider moving them nearer to the counter, or even behind it. Consider displaying dummy packs so that people have to ask for the products if they want to buy them.

## **Till prompts**

If you possess an EPoS system, it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

## **Signage**

Display posters showing age limits and a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff.

## **Closed circuit television (CCTV)**

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales. It will also help you to monitor 'blind spots' within your store if it is not possible to change the layout or relocate the products behind, or closer to, the counter.

## **Online sales**

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

## **Other legislation**

Sales to the general public of products that contain high concentrations of certain chemicals are restricted in order to reduce the risk that they can be used in the manufacture of explosives or to cause harm. Members of the public must have a valid explosives precursors and poisons (EPP) licence issued by the Home Office if they want to acquire, possess, use or import these regulated substances.

Under the Poisons Act 1972, a person commits an offence if they supply a regulated substance to a member of the general public without first verifying - by inspecting the licence and the associated form of identification - that they have a valid EPP licence.

Guidance for retailers on licensed transactions of poisons and explosives precursors can be found on the GOV.UK website.

## **Further information**

For a more detailed look at the issues surrounding sales of these products, see 'Knives, bladed items and hazardous materials' in Business Companion's Business in Focus section.

## **Trading standards**

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

## **In this update**

Clarification regarding the delivery of bladed products to residential premises.

Last reviewed / updated: August 2022

## **Key legislation**

Poisons Act 1972



Criminal Justice Act 1988

Knives Act 1997

Offensive Weapons Act 2019

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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