

Title: Proposals for New Acid and Corrosive Offences IA No: HO0294 RPC Reference No: Lead department or agency: Home Office Other departments or agencies:	Impact Assessment (IA)
	Date: 14/10/2017
	Stage: Consultation
	Source of intervention: Domestic
	Type of measure: Primary legislation
	Contact for enquiries: Offensive.Weapons.Consultation@homeoffice.gsi.gov.uk

Summary: Intervention and Options	RPC Opinion: RPC Opinion Status
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Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB in 2014 prices)	One-In, Three-Out	Business Impact Target Status
−£14 million	N/Q	N/Q	Not in scope	Qualifying provision

What is the problem under consideration? Why is government intervention necessary?

The use of acid and other corrosives as a weapon in violent attacks can inflict serious harm and life changing injuries. A voluntary data return from 39 forces showed 408 cases of corrosive attacks between November 2016 and April 2017. It also showed that a fifth of offenders using corrosives were under 18 (where the age of the offender was known). The collection also showed that bleach, ammonia and acid were the most commonly used substances in attacks. There is no one single motivation but a range of different motivations, including robbery, organised criminality, gang related, domestic abuse, hate crime and honour based violence. In response to attacks, the Government has implemented an action plan.

What are the policy objectives and the intended effects?

The legislative proposals are aimed at restricting access to acid and other corrosive products and giving the police additional enforcement powers to deal with possession of corrosives in a public place and protect the public. We want to ban the sales of corrosive products to under 18s to reduce the risk of them being used in attacks. We also want to strengthen the law on possession in a public place to deter people from carrying corrosives and make it easier to prosecute. The two proposed offences would mirror existing knife legislation. These proposals are part of the Government’s action plan to tackle the use of acid and other corrosives in violent attacks.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1 – Do nothing
Option 2 – Introduce legislative proposals as part of the action plan to restrict access to corrosive products and strengthen the enforcement response to people who are carrying acid and other corrosives. The legislative proposals are:

- i. make it an offence to sell acid or other corrosive products to a person under 18; and
- ii. make it an offence to possess an acid or other corrosive substance in a public place without good reason.

Will the policy be reviewed? It will/will not be reviewed. If applicable, set review date: Month/Year				
Does implementation go beyond minimum EU requirements?			Yes / No / N/A	
Are any of these organisations in scope?		Micro Yes/No	Small Yes/No	Medium Yes/No
			Large Yes/No	
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded:	Non-traded:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible SELECT SIGNATORY: Sarah Newton Date: _____

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2017	PV Base Year 2017	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -16	High: -13	Best Estimate: -14

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	1	1.5 million	13 million
High		1.8 million	16 million
Best Estimate		1.6 million	14 million

Description and scale of key monetised costs by 'main affected groups'

- There are familiarisations costs to business estimated at approximately £20,000 in the first year.
- There are also costs to the police (£130,000 average annual), criminal justice system (£0.6m average annual) and Trading Standards (£0.9m average annual).

Other key non-monetised costs by 'main affected groups'

- There will be potential costs to business from not being able to sell corrosive products to those aged under 18 years old.
- There will also be potential costs to the Criminal Justice System from prosecuting these offences.
- General public will have to incur minor inconvenience costs from complying with new legislation.
- Police will have to enact new methods and training to handle corrosive substance testing.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/Q		
High			
Best Estimate		N/Q	N/Q

Description and scale of key monetised benefits by 'main affected groups'

It is not possible to directly monetise the benefits of this analysis as it is uncertain what impact it will have. However using break even analysis it has been estimate that in order for the policy to breakeven approximately 55 serious woundings will have to be avoided. This is likely to overestimate the number of offences required to breakeven due to the long lasting nature of the associated injuries.

Other key non-monetised benefits by 'main affected groups'

Key assumptions/sensitivities/risks

Discount rate (%) 3.5

- There is a risk that not all retailers will comply with the restrictions on selling corrosives to those aged under 18.
- There is a risk that individuals aged under 18 will acquire corrosives by other means which might impact the effectiveness of the policy proposal.
- There is a risk that police will not be able to identify corrosive products if the development of a device that can identify corrosives is not available.
- There is a risk the Criminal justice System costs might be an over or under estimate.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/K	Benefits: N/K	Net: N/K	
			N/K

Evidence Base (for summary sheets)

A. Strategic Overview

A.1 Background

The use of acid and other corrosive substances as a weapon in violent attacks is a serious crime that can inflict serious harm and life changing injuries that can leave victims and survivors with long term physical, psychological and emotional impacts.

There is growing evidence that the number of attacks are increasing. We have been able to get a sense of the scale of this offending through a number of Freedom of Information requests to police forces but also through the voluntary data collection from police forces undertaken by the National Police Chiefs' Council following a request by the Home Office in autumn 2016. This data collection covered a six month period between November 2016 and April 2017 and 39 forces provided returns. It found that there had been 408 cases of attacks using corrosive substances between November 2016 and April 2017 and that 21% of these offenders were under 18 (where the age of the offender was known).

The Home Office jointly hosted an event with the National Police Chiefs' Council lead on 4 July 2017 which brought a range of partners together including police, prosecutors, retailers, health professionals, relevant Government departments and agencies to agree what further action can be taken to prevent these kinds of attacks.

Following this event, we announced an action plan to tackle the use of acid and other corrosives in violent attacks which is based on support for victims and survivors, effective law enforcement, ensuring legislation is applied effectively, and working with retailers to restrict access to acid and other corrosive substances of concern.

Making it an offence to sell products with certain corrosive substances to under 18s

We are proposing to introduce a new offence preventing the sale of products with the most harmful corrosive substances to under 18s. This is intended to be similar to the existing knife legislation and is in response to the significant proportion of known offenders who are under 18. Introducing this offence would make it harder for under 18s to obtain products containing the most harmful corrosive substances that are of particular concern and which are being used as weapons to inflict serious harm and severe life changing injuries.

In order to support the proposed offence preventing under 18s being sold products containing the most harmful corrosive substances, we are considering whether to list the corrosive substances (including relevant concentration levels) of particular concern in statutory guidance or possibly through an order-making power. Taking such a power, whether through guidance or secondary legislation, would allow us to add further substances or amend concentration levels without needing to resort to primary legislation.

We recognise there are a very wide range of products containing corrosive substances, and many of these do not contain harmful levels of corrosives and certainly do not lead to serious injuries if in contact with a person's skin or eyes. We want the proposed offence to focus on products containing potentially harmful corrosives or harmful levels of corrosives and the proposed list in guidance or secondary legislation will help retailers and others comply with the proposed law.

We are not preventing the sale of such products to adults, but we do not believe that there is a sufficiently strong case for under 18s to be able to buy these substances compared to the risk of some under 18s obtaining a corrosive substance to inflict serious harm.

Retailers will commit the proposed offence if they sold a product containing harmful corrosive substances to a person under 18. This will also apply to online sales. There will be defences available for retailers similar to the existing knife legislation in respect of taking reasonable precautions and exercising due diligence.

We propose that the penalties for this new offence would be similar to the offence in respect of not selling knives to under 18s, which is a term of imprisonment not exceeding six months, or an unlimited fine, or both.

Making it an offence to possess a corrosive substance in a public place

The Government is proposing to create a new offence of possessing a corrosive substance in a public place. The proposed offence is modelled on the current offence in section 139 of the Criminal Justice Act 1988 of possessing a bladed article in a public place.

It is envisaged that similar defences to the knife possession offence would also apply to the proposed corrosive substance possession offence, such as, if the person could prove they had a good reason or lawful authority for possessing it in a public place.

We are not intending to define “corrosive substance” in this offence. As the proposed offence must be flexible enough to cover a range of possible situations: from someone possessing a corrosive substance in a public place that if used as weapon can leave life changing injuries; through to someone using a less harmful corrosive substance which if used as a weapon can still be very unpleasant to the victim but the effect is not lasting.

There is already an existing offence under section 1 of the Prevention of Crime Act 1953 in respect of possessing an offensive weapon in a public place, which may apply if a person is found in possession of the corrosive substance in a public place. However in order to prove the corrosive substance is an offensive weapon it must be shown that the person in possession of the substance intended to cause injury. The new proposed offence would put the onus on the person in possession of the corrosive substance in a public place to show they had good reason for being in possession of it.

We propose that the penalties for the new offence should be similar to the offence of possession of a knife in a public place, which is a maximum of six months imprisonment on summary conviction or a fine; or a maximum of four years imprisonment, a fine or both on conviction on indictment.

A.2 Groups Affected

Banning sales of acid and other corrosive products to under 18s

- **Retailers** (including online) that trade in acid and corrosive products will be affected because they may have to amend their business models to make these restrictions work within the retail environment.
- **Trading standards** will need to become familiar with their new powers around enforcement action, test purchasing, investigating and referring cases for prosecution.

- **Criminal Justice System** will need to handle those retailers who are in breach of the legislation.

Possession of acid and other corrosive substances in a public place

- **General Public** will be affected as they will now need to justify that their relevant defence applies if charged with possession of a corrosive in a public place.
- **Police** will need to become familiar with their new powers, identifying, testing substances, investigating and referring cases for prosecution.
- **Criminal Justice System** will need to handle those individuals that commit an offence.

B. Rationale

The use of acid and other corrosive substances as a weapon in violent attacks is a terrible crime that can inflict serious harm and life changing injuries that can leave victims and survivors with long term physical, psychological and emotional impacts. The use of acid or other corrosive substance¹ as weapons cannot be tolerated on our streets and communities.

There is also growing evidence that the number of attacks are increasing. A data collection exercise found that there had been 408 cases of attacks using corrosive substances between November 2016 and April 2017 and that 21% of these offenders were under 18 (where the age of the offender was known).

Following a jointly hosted Home Office and National Police Chiefs' Council event the Government announced an action plan to tackle the use of acid and other corrosives in violent attacks which is based on support for victims and survivors, effective law enforcement, ensuring legislation is applied effectively, and working with retailers to restrict access to acid and other corrosive substances of concern. As part of this action plan, the Government have identified the need to strengthen primary legislation to provide the police with more powers and to address the issue of sale of the most harmful corrosive substances to under 18s.

C. Objectives

The objective is to make it less likely that those under 18 years of age are able to purchase and be in possession of products which contain the most harmful corrosive substances. This may lead to fewer people of this age being involved in the use of acid and other corrosives in violent attacks and protect the public. The proposals in this consultation will contribute to this policy objective by banning sales of certain corrosive products to any person aged under 18 years and make it harder for them to obtain corrosive substances which can be used in attacks. The possession proposal strengthens the powers available to the police and prosecutors and places the onus on the person to prove that they had good reason to be carrying an acid or other corrosive substance in public.

D. Options

Option 1 – Do nothing.

a) Ban sales to under 18s

¹ The term 'other corrosive substances' refers to alkalis and bases, such as ammonium hydroxide and sodium hydroxide.

This would not help to prevent harmful corrosive products and substances being sold to individuals under 18 years of age. It does not address the problem of why people under the age of 18 years may be carrying these substances in a public place without having to show good reason for doing so.

b) Possession in a public place

This would not ease the burdens on the police and Crown Prosecution Service in having to prove that the individual is carrying a corrosive substance in public to cause harm to others.

Option 2:

a) Ban sales to under 18s.

Legislate to make it an offence to sell products with certain corrosive products to individuals under 18 years of age. This is aimed at products that contain levels of acid and other corrosive substances that inflict serious harm and life changing injuries if used as weapons.

Retailers could commit a criminal offence if they sold a product containing harmful levels of acid or other corrosive substances to a person under 18. This would also apply to online sales. This offence is modelled on existing legislation in place for knives. Similar to the legislation in relation to the sale of knives, it will be a defence to show that the accused believed the purchaser to be over 18 years old or no reasonable person could have suspected from the purchaser's appearance that they were under 18.

b) Possession in a public place.

Legislate to make it an offence to possess an acid or other corrosive substance in a public place without good reason. Currently under section 1 of the Prevention of Crime Act 1953, it is an offence to have an offensive weapon in a public place. It is possible for an acid or other corrosive substance to fall within the definition of an "offensive weapon". However, for an offence to be committed it is necessary for the police and prosecution to prove that the person is carrying the substance with intent to cause injury. This new offence would place the onus on the person carrying the corrosive to prove that they had good reason for having it. This is similar to the current knife possession offence.

E. Appraisal (Costs and Benefits)

GENERAL ASSUMPTIONS & DATA

- It is assumed that the ratio of crimes to proceedings for acid attacks is the same as knife attacks.
- The data collected on acid attacks was collected for a 6 month period and for 39 police forces. It has been scaled up to estimate the volumes for all forces on an annual basis resulting in an estimate of approximately 900 acid attacks per annum.
- Provisional data from the Ministry of Justice has been used to estimate the Criminal Justice System costs associated with each of the policy proposals.

- CJS Costs: These costs were provided using internal proceedings data from 2016. The indicative unit costs provided are relevant to the specific knife offences requested only. For all MoJ cost assumptions and risks, please see section F.

(i) Ban on sales of corrosive products for under 18s

Businesses

- 5.1 Businesses will face costs to implement the necessary training and system modifications that will be needed to ensure that age checks are performed where relevant products are purchased. Most businesses that sell these types of goods already train staff to verify age on other restricted goods and larger scale shops will have electronic systems capable of flagging restricted products.
- 5.2 There will be a minor additional burden to those shops where there is not the capability to have an electronic system flag age restricted products where they will have to familiarise themselves of the products in question. We assume these will be predominantly in small and medium sized enterprises. The number of employees working in shops that employee less than 50 staff is approximately 0.09 million². Supposing that these employees will have to become familiarised with products within their shop that require identification they may have to read between 300 and 1200 words. The average reading speed of a person reading in English is 228³ thus it will take approximately 1 and 5 minutes for someone to read the guidance. Combining this with the mean hourly pay of a retail sales assistant we find the familiarisation cost to be between approximately £5,000 and £70,000. The best estimated cost to business from having to familiarise themselves with the policy is approximately £22,000.
- 5.3 The cost to business from not selling to those aged under the age of 18 is not currently known as the Home Office does not hold any information on the volume of sales from corrosive products nor the proportion of those sales that are bought by those under the age of 18. It is therefore not possible for the Home Office to calculate the potential lose in business arising from this policy at this stage. The Home Office is requesting information in the consultation to try and estimate the cost to business.

Trading Standards

- 5.4 Trading Standards will be responsible for the compliance and some of the subsequent enforcement of the policy.
- 5.5 Initial implementation of the age restriction will require Trading Standards to raise awareness of the new policy, train staff and provide advice to businesses on the new restrictions. Trading Standards from one Local Authority has provided us with general estimates on the cost of providing advice to businesses and raising awareness. They

² <https://www.gov.uk/government/statistics/business-population-estimates-2016>

³ Trauzettel-Klosinski, Susanne; Dietz, Klaus (August 2012). "[Standardized Assessment of Reading Performance: The New International Reading Speed Texts IReST](#)". *Investigative Ophthalmology & Visual Science*. **53** (9).

estimated that it would cost them £7,800 to cover the initial start up costs of the policy. Scaling this by population to cover the entirety of England and Wales results in a cost to Trading Standards nationally of approximately £1.3 million for the first year. Applying sensitivity analysis of around ± 20 per cent gives a lower bound of approximately £1 million and an upper bound of £1.5 million for the first year.

- 5.6 Trading Standards has to conduct regular inspections and follow up on those who fail with criminal investigations over the course of any ban or restriction. Trading Standards from one Local Authority has provided us with general estimates of the costs of running test purchase operations and criminal investigations of 8 operations of 5 premises per year with an assumed 25% failure rate. They estimate that their cost to conduct these operations and investigations would be approximately £12,000 per year. Scaling this by population to the entirety of England and Wales results in a cost to Trading Standards of approximately £0.8 million per year. Applying sensitivity analysis of around ± 20 per cent gives a lower bound of approximately £0.7 million and an upper bound of £1 million for the first year.

Police

- 5.7 Police forces may face an additional demand on their resources to extend their capacity in banning of corrosive to under 18 year olds. The cost of this depends on the volume of corrosives that are supplied to under 18 year olds and cost to police forces to enforce violations. The Government are uncertain of the volume of corrosives sold to under 18 year olds therefore it's difficult to estimate the additional costs to the police. We aim to collect this information through the consultation and cost this element in consultation response Impact Assessment.

Criminal Justice System

- 5.8 The introduction of a new offence may generate new demands on the Criminal Justice System. While we don't have information on the costs that this new offence will incur we have used the reasonable proxy of selling a knife to someone under 18 years of age outlined in the Criminal Justice Act 1988 S.141A. This offence was chosen given that it is from the same domain as the offence that we wish to introduce and it has the same maximum custodial sentence length of 6 months. Please refer to section F for details on all MoJ cost assumptions and risks.
- 5.9 **HM Court and Tribunal Service (HMCTS):** The estimated unit is approximately £300 for each case proceeded against. As the offence is summary only, 100% of cases are tried in the Magistrates Court.
- 5.10 **Legal Aid Agency (LAA):** The cost per case proceeded against is estimated to be approximately £200, assuming that 50% of defendants are eligible for Legal Aid.
- 5.11 **HM Prison and Probation Service (HMPPS):** There are no prison costs impact, as no defendant received a custodial since 2004. The weighted estimated probation unit

costs are approximately £1,300 for Community Rehabilitation Companies (CRCs) and £200 for National Probation Service (NPS).

5.12 **Crown Prosecution Service (CPS):** There were no costs available for the CPS therefore they are not included in this IA.

5.13 The estimated cost to the CJS per case proceeded against is approximately £1,900.⁴ However, the volume of new cases proceeded against are not possible to estimate. To produce a cost estimate for the impact on the Criminal Justice System data on the size of the volume of corrosive sales is required. We aim to collect this information through the consultation and cost this element in consultation response IA. To give an order of magnitude if a similar number of individuals were proceeded against to the proxy offence costs could be around £47,000.

(ii) Possession in a Public Place

Police

5.14 The introduction of a new offence for corrosive possession will require the police are able to be able to identify corrosive substances in order to establish probable cause. This requires that the police have the facilities to conduct field tests on any substance at the street level. The Metropolitan Police are in the process of developing a tool that is able to identify corrosive elements that will be rolled out in response cars to allow for identification at the street level.

5.15 The Metropolitan Police have provided us rough estimates for the cost of the testing kit at approximately £400 per unit and an indication it will be placed in 5 response cars in each borough. This is estimated to cost £2000 per borough. Scaling this model up to cover all England and Wales districts, the non metropolitan equivalent area, and boroughs will cost the police nationally approximately £0.7 million. This might be an overestimate as the number required by the Metropolitan Police might be higher than other areas of England and Wales.

5.16 The Police will have to detain those who are arrested for possession a corrosive. The potential volume increase of offences for possession of corrosives has been estimated by scaling the estimated number of corrosive attacks by the ratio of the volume of police recorded crime for knife possession to the volume of police recorded crime for overall knife crime. Using this we estimated that there will be approximately 350 corrosive possession crimes per year. Combining this with custody costs from the Police Objective Analysis⁵ data we estimate a cost of approximately £60,000.

5.17 Police may also receive additional training on how to properly test corrosives substances. The Home Office doesn't currently hold figures on the potential cost of

⁴ Estimated unit costs are weighted to take into account the route of a case through courts, and disposals.

⁵ <http://www.cipfa.org/policy-and-guidance/publications/p/police-objective-analysis-estimates-201516>

this as there is no existing training for officers to test corrosives therefore we have not been able estimate the costs of training.

Criminal Justice System

- 5.18 The introduction of a new offence will generate demands on the Criminal Justice System. Whilst we don't have information on the volume of new prosecutions that this might incur we do have estimates of the CJS costs of a proxy offence of 'Having an article with blade or point in public place' from the MoJ. This offence is the basis of the possession offence that is being created so offers a good comparison point for costs. Please refer to Section F for all of MoJ's assumptions and risks.
- 5.19 **HM Court and Tribunal Service (HMCTS):** The estimated unit is approximately £600 for each case proceeded against.
- 5.20 **Legal Aid Agency (LAA):** The cost per case proceeded against is estimated to be approximately £400.
- 5.21 **HM Prison and Probation Services (HMPPS):** The estimated unit cost for HMPPS prison is approximately £1,600 per defendant proceeded against. The estimated unit cost for HMPPS probation was £600 for CRCs and £100 for the NPS.
- 5.22 **Crown Prosecution Service (CPS):** There were no costs available for the CPS therefore they are not included in this IA.
- 5.23 The estimated cost per proceeding to the Criminal Justice System is approximately £3,400 not including CPS costs which are not available. The volume of new cases proceeded against is uncertain. However a rough estimate can be provided by taking the number of cases that are proceeded against for the possession of a knife and scaling it down by the ratio of the knife attack police recorded crimes to estimated volume of corrosive attack crime. This produces an estimated volume of cases of approximately 190 that may be charged under the new offence. Multiplying this by the CJS cost for the proxy offence results in an estimated cost to the CJS of approximately £0.6 million per annum (2017 prices).

General Public

- 5.24 There will be a non-monetised cost to the general public as they will have to consider if their transportation of corrosive products qualifies as good reason before going in public. This will be a minor inconvenience for them.

Benefits

- 5.25 The introduction of the package of measures is to reduce corrosive attacks. While it is not possible to estimate the number of attacks that may be prevented it is possible to provide an estimate of the number of corrosive related crimes that would need to

be prevented to balance the costs of the policy using the published Costs of Crime⁶ estimates. The estimated cost of 'serious wounding' is approximately £30,000 after uprating to 2017 prices. For the annual costs of the policy to equal the benefits there would have to be a reduction around 55 serious woundings.

- 5.26 While acid attacks are a serious wounding their impact is long lasting might be much worse than that experienced by typical victims of serious wounding. It is not certain to what extent acid attacks are more impactful than the average instance of serious wounding but it should be considered that there could be significant long term emotional and physical affects from an acid attack that would be avoided with a reduction in acid attacks. This is not captured in the breakeven analysis and it may therefore overestimate the number of crimes required for the cost of the policy proposal to equal the benefits.

F. Risks

- 5.27 There is a risk that not all retailers will comply with the restrictions on selling corrosives to those aged under 18.
- 5.28 There is a risk that individuals aged under 18 will acquire corrosives by other means which might impact the effectiveness of the policy proposal.
- 5.29 There is a risk that police will not be able to identify corrosive products if the development of a device that can identify corrosives is not available. If so then the Police will not be able to conduct checks of suspected liquids instantly. If the police can not conduct instant checks then the creation of a possession offence could be less effective.
- 5.30 The methodology used to estimate the CJS costs for possession of a corrosive is uncertain. Therefore the costs might be an over or under estimate.

MoJ Costs

- 5.31 Risks associated with the MoJ costs have been outlined by the MoJ in Annex 2.

Small and micro business assessment (SaMBA)

- 5.32 The implementation of age checks on minors is not expected to unduly affect small businesses other than a minor familiarisation cost initially.
- 5.33 The introduction of a possession offence is not expected to add any additional burden to any business as it is expected that all businesses will have good reason to possess corrosives.

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118042/IOM-phase2-costs-multipliers.pdf

G. Enforcement

5.34 This policy will be enforced by the police for possession and Trading Standards supported by the police for the sale of corrosives to under 18s.

H. Summary and Recommendations

The table below outlines the costs and benefits of the proposed changes.

Option	Costs (10 year NPV)	Benefits
2	Total £14 million	
	Cost to CJS £5.5 million	
	Cost to Police £1.2 million	
	Cost to Trading Standards £7.5 million	
	Cost to Business <£5 million*	

Source:

The government's preferred option is to proceed with option 2.

* The EANDCB has not been estimated as there is not any data held by the Government on the volume of corrosive sales for those aged less than 18 years of age. However, it is our current judgement that the cost is likely to be less than £5 million for the following reasons:

- The volume of corrosives that are purchased by those under the age of 18 is likely to be small.
- There is the possibility for someone under the age of 18 to have a representative adult purchase any corrosive for which there is a legitimate demand from the youth.
- There is the possibility for less powerful corrosives to be bought in place of the stronger banned corrosives to achieve the same task.

We will review the information we receive from the consultation with the view to estimating the impact on business of this proposal.

I. Implementation

The Government will provide further plans on implementation after the consultation is held.

J. Monitoring and Evaluation

The Government will assess this element after we have assessed the responses to the consultation.

K. Feedback

The Government are seeking feedback about our proposals in this consultation.

Impact Assessment Checklist

The impact assessment checklist provides a comprehensive list of specific impact tests and policy considerations (as of October 2015). Where an element of the checklist is relevant to the policy, the appropriate advice or guidance should be followed. Where an element of the checklist is not applied, consider whether the reasons for this decision should be recorded as part of the Impact Assessment and reference the relevant page number or annex in the checklist below.

The checklist should be used in addition to [HM Treasury's Green Book guidance](#) on appraisal and evaluation in central government.

Economic Impact Tests

Does your policy option/proposal consider...?	Yes/No (page)
<p>Business Impact Target The Small Business, Enterprise and Employment Act 2015 (s. 21-23) creates a requirement to assess the economic impacts of qualifying regulatory provisions on the activities of business and civil society organisations. [Better Regulation Framework Manual]</p>	Yes
<p>Review clauses The Small Business, Enterprise and Employment Act 2015 (s. 28) creates a duty to include a review clause in secondary legislation containing regulations that impact business or civil society organisations. [Check with the Home Office Better Regulation Unit]</p>	N/A
<p>Small and Micro-business Assessment (SaMBA) The SaMBA is a Better Regulation requirement intended to ensure that all new regulatory proposals are designed and implemented so as to mitigate disproportionate burdens. The SaMBA must be applied to all domestic measures that regulate business and civil society organisations, unless they qualify for the fast track. [Better Regulation Framework Manual] or [Check with the Home Office Better Regulation Unit]</p>	Yes
<p>Clarity of legislation Introducing new legislation provides an opportunity to improve the clarity of existing legislation. Legislation with multiple amendments should be consolidated, and redundant legislation removed, where it is proportionate to do so.</p>	N/A
<p>Primary Authority Any new Government legislation which is to be enforced by local authorities will need to demonstrate consideration for the inclusion of Primary Authority, and give a rationale for any exclusion, in order to obtain Cabinet Committee clearance. [Primary Authority: A Guide for Officials]</p>	N/A
<p>New Burdens Doctrine The new burdens doctrine is part of a suite of measures to ensure Council Tax payers do not face excessive increases. It requires all Whitehall departments to justify why new duties, powers, targets and other bureaucratic burdens should be placed on local authorities, as well as how much these policies and initiatives will cost and where the money will come from to pay for them. [New burdens doctrine: guidance for government departments]</p>	N/A
<p>Competition The Competition guidance provides an overview of when and how policymakers can consider the competition implications of their proposals, including understanding whether a detailed competition assessment is necessary. [Government In Markets Guidance]</p>	N/A

Social Impact Tests

New Criminal Offence Proposals Proposed new criminal offences will need to be agreed with the Ministry of Justice (MOJ) at an early stage. The Justice Impact Test (see below) should be completed for all such proposals and agreement reached with MOJ before writing to Home Affairs Committee (HAC) for clearance. Please allow 3-4 weeks for your proposals to be considered.	Yes
Justice Impact Test The justice impact test is a mandatory specific impact test, as part of the impact assessment process that considers the impact of government policy and legislative proposals on the justice system. [Justice Impact Test Guidance]	Yes
Statutory Equalities Duties The public sector equality duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. [Equality Duty Toolkit]	N/A
Privacy Impacts A Privacy Impact Assessment supports an assessment of the privacy risks to individuals in the collection, use and disclosure of information. [Privacy Impact Assessment Guidance] or [Contact the Corporate Security Information Assurance Team Helpline on 020 7035 4969]	N/A
Family Test The objective of the test is to introduce a family perspective to the policy making process. It will ensure that policy makers recognise and make explicit the potential impacts on family relationships in the process of developing and agreeing new policy. [Family Test Guidance]	N/A
Powers of Entry A Home Office-led gateway has been set up to consider proposals for new powers of entry, to prevent the creation of needless powers, reduce unnecessary intrusion into people's homes and to minimise disruption to businesses. [Powers of Entry Guidance]	N/A
Health Impact Assessment of Government Policy The Health Impact Assessment is a means of developing better, evidenced-based policy by careful consideration of the impact on the health of the population. [Health Impact Assessment Guidance]	N/A
<u>Environmental Impact Tests</u>	
Environmental Impacts The purpose of the environmental impact guidance is to provide guidance and supporting material to enable departments to understand and quantify, where possible in monetary terms, the wider environmental consequences of their proposals. [Environmental Impact Assessment Guidance]	N/A
Sustainable Development Impacts Guidance for policy officials to enable government departments to identify key sustainable development impacts of their policy options. <i>This test includes the Environmental Impact test cited above.</i> [Sustainable Development Impact Test]	N/A
Rural Proofing Guidance for policy officials to ensure that the needs of rural people, communities and businesses are properly considered. [Rural Proofing Guidance]	N/A

Annex 1 - MoJ Proxy Offence Data

Offence	Ban sales of corrosive products to under 18s	Possession of a corrosive substance in a public place
Proxy Offence Used	- Criminal Justice Act 1988 - S.141A - Selling to a person under the age of 18 a knife or blade	- Criminal Justice Act - S139 - Having an article with blade or point in public place
2016 Data for Proxy Offence		
Estimated CJS Cost per Case	£1,900	£3,400
Proceedings in 2016	24	7,360
Tried at Magistrates' Court	100%	82%
Tried at Crown Court	0%	18%
Percentage proceeded against who receive custodial sentence	0%	28%
Average Custodial Sentence Length (Months)	0	6
Average Custodial Sentence Length Served (Months)	0	3

Annex 2 – MoJ Risks and Assumptions

Cost Assumptions	
Assumption	Risks
2016 MoJ Criminal Justice Statistics data are used to identify the volumes, disposals and the sentence lengths of individuals proceeded against.	Every effort has been made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by courts. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.
<p>HMCTS costs (magistrates' court):</p> <p>To generate the costs by offence categories, HMCTS timings data for each offence group were applied to court costs per sitting day. Magistrates' court costs are £1,200 per sitting day. A sitting day is assumed to be five hours. The HMCTS costs are based on average judicial and staff costs, found at HMCTS Annual Report and Accounts 206, HMCTS timings data from the Activity based costing (ABC) model, the Timeliness Analysis Report (TAR) data set and the costing process. The costs are in 2015/16 prices and have been updated using the GDP deflator.</p>	<p>Timings data for offence categories:</p> <p>The timings data are based on the time that a legal advisor is present in court. This is used as a proxy for court time. Please note that, there may be a difference in average hearing times as there is no timing available e.g. when a District Judge (magistrates' court) sits.</p> <p>The timings data are based on the time that a legal advisor is present in court. This is used as a proxy for court time. Please note that, there may be a difference in average hearing times as there is no timing available e.g. when a DJ(MC) sits.</p> <p>Timings do not take into account associated admin time related with having a case in court. This could mean that costings are an underestimate. There is some information available on admin time, however we have excluded it for simplicity.</p>

	<p>The timings are collection of data from February 2009. Any difference in these timings could influence costings.</p> <p>The timings data also excludes any adjournments (although the HMCTS ABC model does include them), and is based on a case going through either one guilty plea trial (no trial) or one effective (not guilty plea) trial. However a combination of cracked, ineffective and effective trials could occur in the case route. As a result the costings could ultimately be underestimates.</p> <p>Guilty plea proportions at the Initial hearing from Q3 in 2013 are used, based on the Time Analysis Report. As these can fluctuate, any changes in these proportions could influence court calculations (effective trials take longer in court than no trials (trials where there was a guilty plea at the initial hearing).</p> <p>HMCTS average costs per sitting day:</p> <p>HMCTS court costs used may be an underestimate as they include only judicial and staff costs. Other key costs which inevitably impact on the cost of additional cases in the courts have not been considered; for example juror costs.</p>
<p>HMCTS costs (Crown Court):</p> <p>Timings data for types of case (e.g., indictable only, triable either way) were applied to Crown Court costs per sitting day. This was added to the cost of the initial hearing in the magistrates' court, as all criminal cases start in the magistrates' courts. Crown Court cost is £1,500 per sitting day in 2015/16 prices, assuming a sitting day is 4.5 hours. The HMCTS costs are based on average judicial and staff costs, found at HMCTS Annual Report and Accounts 2014-15 and uprated to 2015/16 prices using the GDP deflator.</p>	<p>Timings data for types of cases:</p> <p>The average time figures which provide the information for the timings do not include any down time. This would lead to an underestimate in the court costing.</p> <p>Timings do not take into account associated admin time related with listing a case for court hearings. This could mean that costings are an underestimate.</p> <p>The data which informed the timings data excludes cases where a bench warrant was issued, no plea recorded, indictment to lie on file, found unfit to plead, and other results. Committals for sentence exclude committals after breach, 'bring backs' and deferred sentences.</p> <p>HMCTS average costs per sitting day:</p> <p>HMCTS court costs used may be an underestimate as they include only judicial and staff costs. Other key costs which inevitably impact on the cost of additional cases in the courts have not been considered; for example juror costs.</p>

<p>Legal Aid Costs: <i>Cases in the magistrates' court</i></p> <p>It is assumed that the eligibility rate in the magistrates' court is approximately 50%.</p> <p>The average cost per case is £500 and assumes that there is one defendant per case. This is based on the legal aid statistics (2016/17), and is calculated by dividing total case value by total case volume.</p> <p>See: https://www.gov.uk/government/collections/legal-aid-statistics.</p> <p>Source: https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2017</p>	<p><i>Magistrates' court</i></p> <p>Variance in the legal aid eligibility rate assumed for cases in the magistrates' courts would impact the costings.</p> <p>More than one defendant prosecuted per case and therefore more solicitors and barristers per case than assumed thus understating the actual cost.</p>
<p>Legal Aid Costs</p> <p><i>Cases in the Crown Court</i></p> <p>It is assumed that the eligibility rate for legal aid in the Crown Court is 100%.</p> <p>The average cost per defendant is around £1,000 for the offence types in question.</p> <p>We assume one defendant per case. One defendant instructs one solicitor who submits one bill. As such, we use the cost per solicitor bill from the 2016/17 data as a proxy for the cost per defendant.</p> <p>Source: https://www.gov.uk/government/statistics/legal-aid-statistics</p>	<p><i>Crown Court</i></p> <p>Assuming 100% eligibility for legal aid in the Crown Court carries several other risks. Firstly, an individual may refuse legal aid. Secondly, an individual may be required to contribute to legal aid costs. Lastly, the size of this contribution can vary.</p> <p>There is more than one defendant prosecuted per case and therefore more solicitors and barristers per case than assumed thus understating the actual cost.</p>
<p>Prison costs:</p> <p>It is assumed that an offender serves half of their given custodial sentence in prison and the remainder on licence.</p> <p>The direct resource per prisoner is approximately £22,400.</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/563326/costs-per-place-cost-per-prisoner-2015-16.pdf</p>	<p>The cost of additional prison places is also dependent on the existing prison population, as if there is spare capacity in terms of prison places then the marginal cost of accommodating more offenders will be relatively low due to existing large fixed costs and low variable costs. Conversely, if the current prison population is running at or over capacity then marginal costs would be significantly higher as contingency measures will have to be found.</p>
<p>Probation costs:</p> <p>Probation costs are divided into the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs). NPS manage high risk offenders and CRCs are private companies and third sector organisations that manage low and medium</p>	<p>The distribution between NPS and CRC for a specific offence category may not mirror the average distribution across all categories.</p> <p>The proportions of offenders managed by NPS/CRCs may be different to those assumed and costs could be higher or lower if more offenders are managed by NPS or</p>

<p>risk offenders. Data on all offenders suggests the following proportion of offenders being allocated to CRCs:</p> <table border="1" data-bbox="261 226 815 535"> <tr> <td data-bbox="261 226 660 349">% Managed Community Orders and Suspended Sentence Orders to CRC</td> <td data-bbox="660 226 815 349">90.0%</td> </tr> <tr> <td data-bbox="261 349 660 450">% Managed Licence <12 to CRC</td> <td data-bbox="660 349 815 450">80.9%</td> </tr> <tr> <td data-bbox="261 450 660 535">% Managed Licence 12 Months+ to CRC</td> <td data-bbox="660 450 815 535">48.1%</td> </tr> </table> <p>Source: HMPPS Performance Hub data/March 2016 Probation Projections – MoJ internal analysis</p>	% Managed Community Orders and Suspended Sentence Orders to CRC	90.0%	% Managed Licence <12 to CRC	80.9%	% Managed Licence 12 Months+ to CRC	48.1%	<p>CRCs, respectively.</p>
% Managed Community Orders and Suspended Sentence Orders to CRC	90.0%						
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% Managed Licence 12 Months+ to CRC	48.1%						
<p>Probation - NPS costs Community Order (CO)/Suspended Sentence Order (SSO) sentence costs:</p> <ul style="list-style-type: none"> Proportion of offenders assumed to be allocated to NPS is presented above. <p>Source: MoJ (HMPPS) modelling</p> <p>Post release licence costs: For offenders who spend 12 months or less on licence:</p> <ul style="list-style-type: none"> Proportion of offenders assumed to be allocated to NPS is presented above. <p>Source: MoJ (HMPPS) modelling</p>	<p>Costs reflect delivery of the sentence to high risk offenders by the National Probation Service (NPS)</p> <p>Costs are indicative and reflect modelling of delivery by the NPS, not actual plans or operating models</p> <p>Custodial sentence costs include pre-release work Corporate service costs (e.g. HR, Finance) are not apportioned within unit costs Intervention purchase costs are apportioned in proportion to direct spend by sentence type</p> <p><i>There may also be costs to the NPS for production of pre-sentence reports to court and costs to prison, probation or through contracts such as Electronic Monitoring in relation to breach during the post-sentence supervision/licence period.</i></p>						