



THE POISONS ACT, 1919



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THE POISONS ACT, 1919

¹ACT No. XII of 1919

[3rd September, 1919]

An Act to consolidate and amend the law regulating the importation, possession and sale of poisons ²* * *.

WHEREAS it is expedient to consolidate and amend the law regulating the importation, possession and sale of poisons ²* * * ;

It is hereby enacted as follows :—

1. Short title and extent.—(1) This Act may be called the Poisons Act, 1919.

³[(2) It extends to the whole of Pakistan.]

2. Power of the Provincial Government to regulate possession for sale and sale of any poison.—(1) ⁴* * *, the ⁵[Provincial Government] may by rule regulate within the whole or any part of the territories under its administration the possession for sale and the sale, whether wholesale or retail, of any specified poison.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for —

(a) the grant of licences to possess any specified poison for sale, wholesale or retail, and the fixing of the fee (if any) to be charged for such licences ;

¹For Statement of Objects and Reasons, see Gazette of India, 1919 Pt. V, p. 22 ; and for Proceedings in Council, see *ibid.*, 1919, Pt. VI, pp. 170 and 872.

This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications ; and extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950) ; and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. 1, p. 1499.

²The words "throughout British India" omitted by A. O., 1949 Sch.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2) as amended by A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

⁴The words "Subject to the control of the G. G. in C." rep. by A. O., 1937.

⁵Subs. *ibid.*, for "L. G."

- (b) the classes of persons to whom alone such licences may be granted ;
- (c) the classes of persons to whom alone any such poison may be sold ;
- (d) the maximum quantity of any such poison which may be sold to any one person ;
- (e) the maintenance by vendors of any such poison of registers of sales, the particulars to be entered in such registers, and the inspection of the same ;
- (f) the safe custody of such poisons and the labelling of the vessels, packages or coverings in which any such poison is sold or possessed for sale ; and
- (g) the inspection and examination of any such poison when possessed for sale by any such vendor.

3. Power to prohibit importation into Pakistan of any poison except under licence. The ¹[Federal Government] may, by notification in the ²[official Gazette], prohibit, except under and in accordance with the conditions of a licence, the importation into ³[Pakistan] ⁴[across any customs frontier defined by the ⁵[Federal Government]] of any specified poison, and may by rule regulate the grant of licences.

4. Power to regulate possession of any poison in certain areas.—(1) The ⁶[Provincial Government] ⁷* * * may by rule regulate the possession of any specified poison in any local area in which the use of such poison for the purpose of committing murder or mischief by poisoning cattle appears to it to be of such frequent occurrence as to render restrictions on the possession thereof desirable.

(2) In making any rule under sub-section (1), the ⁶[Provincial Government] may direct that any breach thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, together with confiscation of the poison in respect of which the breach has been committed, and of the vessels, packages or coverings in which the same is found.

5. Presumption as to specified poisons. Any substance specified as a poison in a rule made or notification issued under this Act shall be deemed to be a poison for the purposes of this Act.

6. Penalty for unlawful importation, etc.—(1) Whoever—

- (a) commits a breach of any rule made under section 2, or

¹Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which was previously amended by A. O., 1937, for "G. G. in C.".

²Subs. by A.O. 1937 for "Gazette of India".

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for " the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, Arts. 3 (2) and 4 for "British India".

⁴Ins. by A. O., 1937.

⁵Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

⁶Subs. by A. O., 1937 for "L. G.".

⁷The words subject to the control of the G.G. in C." were rep. by A. O., 1937. The words "subject to the control" had been substituted for the words with the previous sanction" by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.