1983 No. 201

POISONS

Poisons Regulations (Northern Ireland) 1983

Made . . . . . *21st July 1983*

Coming into operation . . . *1st September 1983*

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The Department of Health and Social Services in exercise of the powers conferred on it by Article 9 of the Poisons (Northern Ireland) Order 1976(**a**) and of every other power enabling it in that behalf and on the recommendation of the Poisons Board, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Poisons Regulations (Northern Ireland) 1983 and shall come into operation on 1st September 1983.

Interpretation

2.—(1) In these regulations—

"cosmetic product" has the same meaning as in the Cosmetic Products Regulations (Northern Ireland) 1978(**b**);

"food" includes a beverage;

(**a**) S.I. 1976/1214 (N.I. 23)
(**b**) S.R. 1978 No. 342

"medicated animal feeding stuff" means an animal feeding stuff in which a medicinal product has been incorporated or in which a substance other than a medicinal product has been incorporated for a medicinal purpose;

"the Order" means the Poisons (Northern Ireland) Order 1976;

"poison" means a non-medicinal poison;

"registered seller of Part II poisons" means a person whose name is for the time being entered in a district council's register;

"sale exempted by Article 6 of the Order" means a sale within any of paragraphs (*a*) to (*e*) of Article 6 of the Order.

(2) In paragraph (1) "animal" has the meaning assigned to it by section 132 of the Medicines Act 1968(**a**) and "medicinal product" and "medicinal purpose" have the meanings respectively assigned to them by section 130 of that Act.

(3) These regulations shall not have effect in relation to any poison other than a non-medicinal poison.

(4) Any reference in these regulations to the percentage of poison contained in any substance or preparation shall, unless otherwise expressly provided, be construed in the following manner, that is to say, a reference to a substance or preparation containing one per cent. of any poison means—

(*a*) in the case of a solid, that one gram of the poison is contained in every hundred grams of the substance or preparation;

(*b*) in the case of a liquid, that one millilitre of the poison or, if the poison itself is a solid, one gram of the poison, is contained in every hundred millilitres of the substance or preparation,

and so in proportion for any greater or lesser percentage.

Application and Relaxation of the Order

Restriction of sales from retail business premises

3. It shall not be lawful for any person to sell poisons on any premises used for or in connection with his retail business, notwithstanding that the sale is exempted by Article 6 of the Order, unless he complies with the provisions of sub-paragraph (*a*) or sub-paragraph (*b*), as the case may be, of Article 5(1) of the Order.

Extension of labelling provisions and relaxation of labelling and packaging provisions with respect to certain poisons

4.—(1) Subject as hereinafter provided, the provisions of Article 5(1)(*c*) of the Order and of regulations 14 to 19 (which provisions relate to the labelling of poisons) shall apply to sales exempted by Article 6 of the Order, other than sales of poisons to be exported to purchasers outside the United Kingdom, and shall also apply to the supply of poisons (otherwise than on sale) in like manner as if references in the said provisions to the sale and the seller of poisons included references to the supply and the supplier of poisons respectively.

(2) The said provisions, except the provisions of regulation 18 and of Article 5(1)(*c*)(iv) of the Order as modified by regulation 19, shall not apply to the sale or supply of any of the poisons included in Schedule 2 to a person who—

(*a*) carries on a business in the course of which poisons are regularly sold by way of wholesale dealing or are regularly used in the manufacture of other articles; and

(a) 1968 c. 67

(*b*) requires the poison for the purpose of that business,

if the outside of the package in which the poison is sold or supplied is labelled conspicuously with words indicating the dangerous properties of the poison.

(3) The said provisions shall not apply to the sale or supply of poisons to be consigned to purchasers in Great Britain if the poisons are labelled in accordance with the corresponding provisions of the law in force in Great Britain relating to the labelling of poisons.

(4) The provisions specified in paragraph (6) shall not have effect in relation to any poison being a prescribed dangerous substance to which the Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1981(**a**) apply.

(5) The provisions specified in paragraph (6) shall not have effect, so far as any poison specified in the first column of Schedule 3 is concerned, in relation to any preparation specified against the description of the poison in the second column.

(6) The provisions referred to in paragraphs (4) and (5) are—

(*a*) Article 5(1)(*c*) (i) to (iii) of the Order and regulations 14 to 17, 18(1) and (3), 19(1) and (2), 20, 21(1), 22 and 23(1); and

(*b*) except in the case of a poison sold retail by a shopkeeper, Article 5(1)(*c*)(iv) of the Order and regulation 19(3) and (4).

Application of Article 5(2) of the Order

5. The provisions of Article 5(2) of the Order (which makes provision as to persons to whom poisons may be sold and to the keeping of records of sales) shall apply with respect to all poisons included in Schedule 1, whether or not the poison sold is a poison included in Part I of the Poisons List, and shall not apply with respect to any other poison:

Provided that—

(*a*) sub-paragraph (*a*) of the said Article 5(2) shall, in its application to sales by registered sellers of Part II poisons, be deemed to be satisfied if the person to whom the poison is sold is known by the person in charge of the premises on which the poison is sold or of the department of the business in which the sale is effected to be a person to whom the poison may properly be sold; and

(*b*) the provisions of the said Article 5(2) shall not apply, so far as nicotine, its salts or its quaternary compounds are concerned, to sales of agricultural and horticultural insecticides consisting of nicotine dusts containing not more than four per cent., weight in weight, of nicotine.

Extension of Article 5(2) to sales wholesale, etc., and relaxation of the said Article

6.—(1) The provisions of Article 5(2) of the Order as modified by regulation 5 shall apply to sales exempted by Article 6 of the Order, other than sales of poisons to be exported to purchasers outside the United Kingdom, and shall also apply to the supply in the form of commercial sample, otherwise than on sale, of any poison included in Schedule 1 in like manner as if references in the said provisions to the sale and seller of poisons respectively included references to the supply and the supplier of poisons in the form of commercial samples:

Provided that the said provisions shall not apply to the sale or supply of any article by the manufacturer thereof or by a person carrying on a business in the course of which poisons are regularly sold by way of wholesale dealing, if—

(**a**) S.R. 1981 No. 283

(*a*) the article is sold or supplied to a person carrying on a business in the course of which poisons are regularly sold or are regularly used in the manufacture of other articles, and

(*b*) the seller or supplier is reasonably satisfied that the purchaser requires the article for the purpose of that business.

(2) Sub-paragraph (*a*) of the said Article 5(2) shall, in its application to sales exempted by Article 6 of the Order and to the supply in the form of commercial samples of poisons included in Schedule 1, be deemed to be satisfied if the person to whom the poison or sample is sold or supplied is known by the person in charge of the department of the business through which the sale or supply is effected to be a person to whom the poison or sample may properly be sold or supplied.

(3) So much of sub-paragraph (*b*) of the said Article 5(2) as requires an entry in a book to be signed by the purchaser of a poison shall not, as respects the sale of a poison to a person for the purposes of his trade, business or profession, apply if the following requirements are satisfied—

(*a*) the seller must obtain before the completion of the sale an order in writing signed by the purchaser stating his name and address, trade, business or profession, and the following particulars in regard to the article to be purchased, that is to say, the purpose for which it is required and the total quantity to be purchased;

(*b*) the seller must be reasonably satisfied that the signature is that of the person purporting to have signed the order, and that that person carries on the trade, business or profession stated in the order, being one in which the poison to be purchased is used;

(*c*) the seller must insert in the entry prescribed by regulation 27 the words "signed order" and a reference number by which the order can be identified:

Provided that where a person represents that he urgently requires a poison for the purpose of his trade, business or profession, the seller may, if he is reasonably satisfied that the person so requires the poison and is, by reason of some emergency, unable before delivery either to furnish to the seller an order in writing duly signed or to attend and sign the entry in the book, deliver the poison to the purchaser on an undertaking by the purchaser to furnish such an order within the twenty-four hours next following.

If any purchaser by whom any such undertaking has been given fails to deliver to the seller a signed order in accordance with the undertaking, or if any person for the purpose of obtaining delivery of any poison under the foregoing proviso makes a statement which is to his knowledge false, he shall be deemed to have contravened the provisions of this regulation.

Exemption from the provisions applying solely to Schedule 1

7. Such of the provisions of these regulations and of the Order as modified by these regulations, as apply solely with respect to the poisons included in Schedule 1, shall not apply with respect to articles containing barium carbonate or zinc phosphide and prepared for the destruction of rats or mice.

Complete exemption for articles and substances in Schedule 4

8. Nothing in the Order or in these regulations shall apply—

(*a*) with respect to any article included in Group I of Schedule 4; or

(*b*) so far as any poison specified in the first column of Group II of that Schedule is concerned, with respect to any of the articles or substances specified in the second column opposite the description of the poison.