1971. No. 229 [C]

POISONS

REGULATIONS, DATED 26TH JULY 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 32 OF THE MEDICINES, PHARMACY AND POISONS ACT (NORTHERN IRELAND) 1945(a).

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(a) 1945. c. 9.

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I, the Right Honourable Brian Faulkner, D.L., Minister of Home Affairs for Northern Ireland, in exercise of the powers vested in me by sections thirty and thirty-two of the Medicines, Pharmacy and Poisons Act (Northern reland) 1945 do hereby make the following Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Poisons Regulations (Northern Ireland) 1971.

(2) These Regulations shall come into operation on 1st September 1971.

(3) The Poisons Regulations (Northern Ireland) 1969(**b**) are hereby revoked.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945;

"animal" includes poultry;

"antimonial poisons" means chlorides of antimony, antimonates, antimonites and organic compounds of antimony;

"arsenical poisons" means halides of arsenic, oxides of arsenic, sulphides of arsenic, arsenates, arsenites, copper acetoarsenites, sodium thioarsenates, and organic compounds of arsenic;

"food" includes a beverage;

"medicine for the internal treatment of human ailments" includes any medicine to be administered by hypodermic injection but does not include any mouth-wash, eye-drops, eye-lotion, ear-drops, douche or similar article;

(b) S.R. & O. (N.I.) 1969, No. 167.

"registered seller" means a person entitled, subject to the provisions of the Act and of these Regulations, to sell poisons included in Part II of the Poisons Schedule by virtue of being registered by a local authority in pursuance of section 30 of the Act;

"sale exempted by section 29 of the Act" means a sale made in such circumstances as to be entitled, except as provided by these Regulations, to exemption under section 29 of the Act from the foregoing provisions of Part III of the Act;

"transaction exempted by section 28 of the Act" means the supply of a medicine in such circumstances as to be entitled to exemption under section 28 of the Act from the provisions of section 27 of the Act.

(2) Any reference in the Schedules to these Regulations to the percentage of a 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 gramme of the poison is contained in every hundred grammes 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 gramme of the poison, is contained in every hundred millilitres of the substance or preparation;

and so in proportion for any greater or less percentage.

(3) Any reference in these Regulations to the British Pharmacopoeia (except in a context which specifies a particular edition thereof), the British Pharmaceutical Codex, the British National Formulary, the British Veterinary Codex, or the name published by the General Medical Council as the approved name of a poison shall be construed as a reference to the edition or publication having effect on the date on which these Regulations were made, together with any amendments made thereto before that date.

Metric system and imperial system

3.—(1) For the purposes of these Regulations a poison shall not be regarded as sold, issued or supplied otherwise than in accordance with a prescription or other order by reason only that the prescription or order specifies a quantity of the poison in terms of the imperial system and the quantity sold, issued or supplied is the equivalent of that amount in the metric system, or by reason only that the prescription or order specifies a quantity of the poison in terms of the metric system and the quantity sold, issued or supplied is the equivalent of that amount in the imperial system.

(2) In the case of a poison which is a drug within the meaning of the Weights and Measures (Equivalents for dealings with drugs) Regulations 1970(c) the quantity of the poison in the metric system which is the equivalent of a particular quantity in the imperial system shall, for the purposes of these Regulations, be deemed to be the appropriate equivalent quantity ascertained in accordance with the provisions of those Regulations.

(c) S.R. & O. (N.I.) 1970, No. 346.

APPLICATION AND RELAXATION OF PART III OF THE ACT

Restriction of sales from retail business premises

4. 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 section 29 of the Act, unless he complies with the provisions of paragraph (*a*) or paragraph (*b*), as the case may be, of section 27(1) of the Act.

Provided that the substances included in the Sixteenth Schedule may be sold by retail, for the purposes shown in that Schedule, from premises licensed under the Poultry Improvement Act (Northern Ireland) 1968(**d**).

Extension of labelling provisions and relaxation with respect to poisons in the Second Schedule and consignments to Great Britain

5.—(1) Subject as hereinafter provided, the provisions of section 27(1)(*a*) of the Act and of Regulations 17 to 22 (which provisions relate to the labelling of poisons) shall apply to sales exempted by section 29 of the Act 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 21 and of section 27(1)(*d*)(iv) of the Act as modified by Regulation 22 shall not apply to the sale or supply of any of the poisons included in the Second Schedule 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

(*b*) requires the poison for the purposes 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 provisions of section 27(1)(*d*)(iii) of the Act and of Regulation 20 shall not apply to sales exempted by section 29 of the Act of any of the poisons included in Part B of the Fourth Schedule.

(4) 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.

Limitation of section 27(2) to certain substances

6. The provisions of section 27(2) of the Act (which makes provisions as to persons to whom poisons may be sold and to the keeping of records of sales) shall apply with respect to all substances included in the First Schedule whether or not the poison sold is a poison included in Part I of the Poisons Schedule, and shall not apply with respect to any other substance:

Provided that—

(1) paragraph (*a*) of the said section 27(2) of the Act shall, in its application to sales by persons registered to sell 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

(**d**) 1968. c. 12 (N.I.).