

2015 No. 968

HEALTH AND SAFETY

**The Deregulation Act 2015 (Poisons and Explosives Precursors)
(Consequential Amendments, Revocations and Transitional
Provisions) Order 2015**

Made - - - - *27th March 2015*

Laid before Parliament *27th March 2015*

Coming into force in accordance with article 1(2) and (3)

The Secretary of State makes the following Order, in exercise of the powers conferred by section 112(1) and (2) of the Deregulation Act 2015(a).

Citation, commencement and extent

1.—(1) This Order may be cited as the Deregulation Act 2015 (Poisons and Explosives Precursors) (Consequential Amendments, Revocations and Transitional Provisions) Order 2015.

(2) The following come into force on 20th April 2015—

- (a) this article;
- (b) article 2; and
- (c) paragraphs 1 and 11 of the Schedule (and article 3 so far as relating to those paragraphs).

(3) Except as provided in paragraph (2), this Order comes into force on 26th May 2015.

(4) Subject to paragraph (5), this Order extends to England and Wales and Scotland only.

(5) The amendments made by the Schedule have the same extent as the provisions they amend.

Interpretation

2. In this Order—

“the Act” means the Poisons Act 1972(b);

“the 2014 Regulations” means the Control of Explosives Precursors Regulations 2014(c).

Consequential amendments

3. The Schedule (which contains amendments to subordinate legislation consequential on the coming into force of Schedule 21 to the Deregulation Act 2015) has effect.

(a) 2015 c. 20.

(b) 1972 c.66. Amendments to that Act relevant to this Order are made by Schedule 21 to the Deregulation Act 2015.

(c) S.I. 2014/1942.

Revocations

4. The following are revoked—
- (a) the Poisons List Order 1982(a);
 - (b) the Poisons Rules 1982(b);
 - (c) the 2014 Regulations.

Transitional provisions

5.—(1) Any licence granted under the 2014 Regulations which is in force immediately before the revocation date is, on and after that date until the date of its expiry, to be treated as if it had been granted under section 4A(1) of the Act (and the provisions of the Act, and regulations made under the Act, apply accordingly).

(2) Paragraph (3) applies where—

- (a) an application for a licence under the 2014 Regulations is made before the revocation date, and
- (b) a decision to grant or refuse the application has not been made or notified to the applicant before that date.

(3) The application is to be treated as an application for a licence under section 4A of the Act (and the provisions of the Act, and regulations made under the Act, apply accordingly).

(4) Paragraph (5) applies where—

- (a) a request for an internal review under regulation 9 of the 2014 Regulations is made before the revocation date, and
- (b) the review has not been completed before that date.

(5) The request is to be treated as a request for a review under any corresponding provision of regulations made under the Act.

(6) In this article “the revocation date” means 26th May 2015.

Home Office
27th March 2015

James Brokenshire
Minister of State

SCHEDULE

CONSEQUENTIAL AMENDMENTS

Article 3

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

6.—(1) The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(c) is amended as follows.

(2) In Schedule 2 (excepted licences, certificates and permits), in paragraph 6, for “regulation 7 of the Control of Explosives Precursors Regulations 2014” substitute “section 4A of the Poisons Act 1972”.

(a) S.I. 1982/217.
(b) S.I. 1982/218.
(c) S.I. 1975/1023, as amended by S.I. 2014/1942. There are other amendments but none are relevant to this Order.

(3) In Schedule 3 (excepted proceedings), in paragraph 19A, for “regulation 7 of the Control of Explosives Precursors Regulations 2014” substitute “section 4A of the Poisons Act 1972.”

Isles of Scilly (Functions) Order 1979

7. In the Isles of Scilly (Functions) Order 1979(a), in article 3(c) omit “by the Poisons Act 1972;”.

National Assembly for Wales (Transfer of Functions) Order 1999

8. In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999(b) (enactments conferring functions transferred by article 2), in the list of Public General Acts, omit the entry “Poisons Act 1972 (c 66) except section 1(2)”.

Local Authorities (Functions and Responsibilities) (England) Regulations 2000

9. In Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(c) (functions not to be the responsibility of an authority’s executive), in the list in paragraph B of the Table (licensing and registration functions), omit the entry numbered 22 (duty to keep list of persons entitled to sell non-medicinal poisons; sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972).

Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) (No 2) Order 2000

10. In Schedule 2 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) (No 2) Order 2000(d) (enactments conferring functions transferred to the Scottish Ministers), in column 1 omit the entry “The Poisons Rules 1982 (SI 1982/218), Schedule 12, Part 1, paragraphs 4 and 5(b)”.

Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007

11. In Schedule 1 to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007(e) (functions not to be the responsibility of an authority’s executive), in the list in paragraph B of the Table (licensing and registration functions), omit the entry numbered 18 (duty to keep list of persons entitled to sell non-medicinal poisons; sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972).

Legislative and Regulatory Reform (Regulatory Functions) Order 2007

12.—(1) The Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(f) is amended as follows.

(2) In Part 3 (regulatory functions exercisable by local authorities), omit “Poisons Act 1972” from the list of enactments under the heading “Public health and safety”.

(3) In Part 5(g) (regulatory functions exercisable by local authorities in Scotland), omit “Poisons Act 1972 (section 9)” from the list.

(a) S.I. 1979/72, to which there are amendments not relevant to this Order.
(b) S.I. 1999/672, to which there are amendments not relevant to this Order.
(c) S.I. 2000/2853, to which there are amendments not relevant to this Order.
(d) S.I. 2000/3253, to which there are amendments not relevant to this Order.
(e) S.I. 2007/399, to which there are amendments not relevant to this Order.
(f) S.I. 2007/3544, relevant amendment is made by S.I. 2009/2981.
(g) Part 5 was inserted by S.I. 2009/2981.

National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009

13. In Schedule 1 to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009(a) (terms of service for pharmacists and pharmacy contractors), in paragraph 4(16) omit “the Poisons Rules 1982 or”.

Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009

14. In the Schedule to the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009(b), in Part 1, omit “Poisons Act 1972 (section 9)”.

Pharmacy Order 2010

15.—(1) The Pharmacy Order 2010(c) is amended as follows.

(2) In article 3(1) (interpretation), omit the definition of “the Poisons Rules”.

(3) In article 8 (the Inspectorate), in paragraph (2)(d), for “the Poisons Rules” substitute “of regulations made under that Act”.

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

16.—(1) The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013(d) is amended as follows.

(2) In Schedule 1 (proceedings), in paragraph 10A, for “regulation 7 of the Control of Explosives Precursors Regulations 2014” substitute “section 4A of the Poisons Act 1972.”

(3) In Schedule 3 (exclusions of section 4(2)(a) and (b) of the Act), in paragraph 3(3)(ca), for “regulation 7 of the Control of Explosives Precursors Regulations 2014” substitute “section 4A of the Poisons Act 1972”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in consequence of amendments made to the Poisons Act 1972 (c.66) (“the 1972 Act”) by section 90 of, and Schedule 21 to, the Deregulation Act 2015 (c.20) (“the 2015 Act”).

Article 3 and the Schedule makes consequential amendments to secondary legislation which are necessary as a result of amendments to the 1972 Act made by the 2015 Act. These amendments remove local authority functions in relation to certain poisons and create a licensing regime in relation to both regulated poisons and explosives precursors (as defined by amendments to the 1972 Act) so that the Secretary of State can require the disclosure of spent convictions and cautions as part of the licensing process.

Article 4 revokes the previous legislation relating to the control of poisons and explosives precursors..

Article 5 contains transitional provisions with respect to licences applied for and granted under the Control of Explosives Precursors Regulations 2014 (S.I.2014/1942) before the revocation of those Regulations.

(a) S.S.I. 2009/183, to which there are amendments not relevant to this Order.

(b) S.I. 2009/669, to which there are amendments not relevant to this Order.

(c) S.I. 2010/231, to which there are amendments not relevant to this Order.

(d) S.I. 2013/50; relevant amendment is made by S.I. 2014/1942.

A full regulatory impact assessment of the effect of the changes, introduced by the 1972 Act, on the costs of business and the voluntary sector is available from the Home Office, and is annexed to the Explanatory Memorandum which is available alongside the instrument on the legislation.gov.uk website.

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