
STATUTORY INSTRUMENTS

1976 No. 1214

Poisons (Northern Ireland) Order 1976

PART III

CONTROL OF NON-MEDICINAL POISONS

Prohibitions and regulations with respect to sale of non-medicinal poisons

- 5.—(1) Subject to the provisions of this Order, a person shall not sell—
- (a) any non-medicinal poison which is a substance included in Part I of the Poisons List unless—
 - (i) he is a person lawfully conducting a retail pharmacy business;
 - (ii) the sale is effected on premises which are a registered pharmacy; and
 - (iii) the sale is effected by, or under the personal control of, a pharmacist;
 - (b) any non-medicinal poison which is a substance included in Part II of the Poisons List unless—
 - (i) he is a person lawfully conducting a retail pharmacy business and the sale is effected on premises which are a registered pharmacy; or
 - (ii) his name is entered in a district council's register in respect of the premises on which the poison is sold;
 - (c) any non-medicinal poison, whether it is a substance included in Part I or in Part II of the Poisons List, unless the container of the poison is labelled in the prescribed manner—
 - (i) with the name of the poison;
 - (ii) in the case of a preparation which contains a poison as one of the ingredients thereof, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients;
 - (iii) with the word “poison” or other prescribed indication of the character of the article; and
 - (iv) with the name of the seller of the poison and the address of the premises on which it was sold.
- (2) Subject to the provisions of this Order and to any regulations dispensing with or relaxing any of the requirements of this paragraph—
- (a) a person shall not sell any non-medicinal poison which is a substance included in Part I of the Poisons List to any other person, unless that other person is either—
 - (i) certified in writing in the manner prescribed by regulations, and by a person authorised by regulations to give a certificate for the purposes of this Article; or
 - (ii) known by the seller or by some pharmacist in the employment of the seller at the premises where the sale is effected;to be a person to whom the poison may properly be sold;

- (b) the seller of any such poison shall not deliver it until—
 - (i) he has made or caused to be made an entry in a book to be kept for that purpose stating, in the form prescribed by regulations, the date of the sale, the name and address of the purchaser and of the person, if any, by whom the certificate required under sub-paragraph (a) was given, the name and quantity of the poison sold and the purposes for which it is stated by the purchaser to be required; and
 - (ii) the purchaser has affixed his signature to the entry aforesaid.

Exemption with respect to certain sales

6. Except as provided by regulations, nothing in the foregoing provisions of this Order shall extend to or interfere with the sale of non-medicinal poisons—

- (a) by way of wholesale dealing; or
- (b) to be exported to purchasers outside Northern Ireland; or
- (c) to a duly qualified medical practitioner, registered dentist or registered veterinary surgeon or veterinary practitioner for the purpose of his profession; or
- (d) for use in or in connection with any hospital or similar institution approved by an order of the Department; or
- (e) by a person carrying on a business, in the course of which poisons are regularly sold either by way of wholesale dealing or for use by the purchasers thereof in their trade or business to—
 - (i) a person who requires the poison for the purpose of his trade or business; or
 - (ii) a Government department requiring the poison for the purposes of the public service, or any district council requiring the poison in connection with the exercise by the district council of any statutory power; or
 - (iii) a person or institution concerned with scientific education or research, if the poison is required for the purposes of that education or research.

Registration of certain persons as sellers of certain non-medicinal poisons

7.—(1) Subject to paragraph (2), every district council shall—

- (a) keep a register of persons entitled to sell non-medicinal poisons which are substances included in Part II of the Poisons List on premises in respect of which their names are entered in the register; and
- (b) enter in the register the name of any person who, having premises in the district of the council, makes an application to the district council in the prescribed form to have his name entered in the register in respect of those premises.

(2) The district council may refuse to enter in, or may remove from, the register the name of any person who fails to pay^[F1] any fees determined by the council under paragraph (5)] or who, in the opinion of the district council, is, for any sufficient reason relating either to him personally or to his premises, not fit to have his name in the register.

(3) If any person is aggrieved by the refusal of the district council to enter his name in the register or by the removal of his name therefrom under this Article, he may appeal to the Department against the refusal or removal.

(4) A district council's register shall include particulars of the premises in respect of which the name of any person is entered in the register, and shall be in such form as may be prescribed.

(5) Every person shall pay to the district council such^[F1] reasonable fees as the council may determine] in respect of—

- (a) the entry of his name in the district council's register;
- (b) the making of any alteration in the district council's register in relation to the premises on which he is entitled to sell; and
- (c) the retention of his name in the district council's register in any year subsequent to the year in which his name is first entered therein.

(6) If any person whose name is entered in a district council's register is convicted before any court of any criminal offence which, in the opinion of the court, renders him unfit to have his name in the register, the court may, as part of the sentence, order his name to be removed from the register and direct that he shall, for such period as may be specified in the order, be disqualified from having his name entered in any district council's register.

(7) Every district council's register shall be open at all reasonable times to the inspection of any person without any fee, and a copy thereof or an extract therefrom shall be furnished without any fee by the council to the Department upon an application made by an officer of the Department.

(8) A person whose name is entered in a district council's register shall not use in connection with his business any title, emblem or description reasonably calculated to suggest that he is entitled to sell any non-medicinal poison other than a poison which he is under this Order entitled to sell, and if any person acts in contravention of this paragraph he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^[F2 level 3 on the standard scale] and where this paragraph is again contravened within one year after the conviction to a further fine not exceeding £10 for every day subsequent to the day on which he is first convicted of an offence under this paragraph on which it is so contravened.

(9) For the purposes of this Article the district council shall be the council of the district in which the applicant intends to carry on or, carries on, the business of selling non-medicinal poisons to which this Article applies.

(10) In this Article—

“prescribed” means prescribed by regulations under Article 9;

“relating to him personally” means, in relation to a person being a body corporate, relating personally to the persons (by whatever name called) controlling that body corporate, or to the managers or other officers thereof;

“year” means a period of twelve months beginning on such date as the district council may determine.

F1 1985 NI 15

F2 1984 NI 3

Prohibition of sale of non#medicinal poisons by means of automatic machines

8. A non-medicinal poison shall not be exposed for sale in, or be offered for sale by means of, an automatic machine.

Regulations

9.—(1) The Department may, after consultation with or on the recommendation of the Poisons Board, make regulations with respect to any of the following matters or for any of the following purposes—

- (a) the sale, whether by way of wholesale dealing or by retail, or the supply of non-medicinal poisons, by or to any persons and, in particular, but without prejudice to the generality of the foregoing provisions—

- (i) for regulating or restricting the sale or supply of non-medicinal poisons by persons whose names are entered in a district council's register under Article 7 and for prohibiting the sale of any specified non-medicinal poison by any such persons;
- (ii) for dispensing with or relaxing, with respect to non-medicinal poisons, any of the provisions contained in this Order relating to the sale of non-medicinal poisons;
- (b) the storage, transport and labelling of non-medicinal poisons;
- (c) the containers in which non-medicinal poisons may be sold or supplied;
- (d) the addition to non-medicinal poisons of specified ingredients for the purpose of rendering them readily distinguishable as non-medicinal poisons;
- (e) the mixing of non-medicinal poisons;
- (f) the period for which any books required to be kept for the purposes of this Order are to be preserved;
- (g) the period for which any certificate given under Article 5(2)(a)(i) is to remain in force;
- (h) prescribing or providing for anything which is under the provisions of this Order (other than Article 11 or 13) to be prescribed or provided for by regulations.

(2) The Department may issue to the Poisons Board a direction that its power to make recommendations as to the making of regulations with respect to the matters or for the purposes specified in paragraph (1)(a)(i), (b), (c) and (d) shall not be exercised except after consultation with such body of persons as is specified in the direction, being a body which is in the opinion of the Department representative of persons engaged in the manufacture of poisons or preparations containing poisons, and the Poisons Board shall comply with any such direction.

(3) The Department may revoke or vary any such direction, without prejudice to the issue of a new direction.

Penalties for certain offences

10.—(1) Any person contravening any of the provisions of this Order (other than Article 7(8) or 11, Part IV or Article 16), or any regulations under Article 9, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F3} level 4 on the standard scale] and where this paragraph is again contravened within one year after the conviction to a further fine not exceeding £10 for every day, subsequent to the day on which he is first convicted of an offence under this paragraph, on which it is so contravened.

(2) In the case of proceedings against a person under paragraph (1) for or in connection with the sale, exposure for sale or supply of a non-medicinal poison effected by an employee—

- (a) it shall not be a defence that the employee acted without the authority of the employer; and
- (b) any material fact known to the employee shall be deemed to have been known to the employer.

F3 1984 NI 3

Regulations as to distribution of non-medicinal poisons by district councils

11.—(1) The Department may make regulations prescribing the conditions to be observed, and the precautions to be taken, in connection with the distribution of non-medicinal poisons free of charge for the purposes of the Public Health Acts (Northern Ireland) 1878 to 1967, and district councils and their officers shall comply with such regulations.

(2) Any person wilfully neglecting or refusing to obey or carry out, or obstructing the execution of, any regulation under paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F4} level 3 on the standard scale].

F4 1984 NI 3

Changes to legislation:

There are currently no known outstanding effects for the Poisons (Northern Ireland) Order 1976, PART III.