
STATUTORY INSTRUMENTS

1976 No. 1214

Poisons (Northern Ireland) Order 1976

PART IV

CONTROL OF METHYLATED SPIRITS AND METHYLATED ETHER

Restrictions on sale of methylated spirits and methylated ether

12.—(1) A retailer of methylated spirits shall not sell such spirits to any person under the age of eighteen years or, without prejudice to the foregoing prohibition, sell methylated spirits to any person unknown to the seller, unless such person is introduced by some person known to the seller; and, on every sale by retail of methylated spirits, there shall be affixed to every bottle or vessel containing such spirits a label bearing the name and address of the seller and the name and address of the person making the sale.

(2) Any person selling methylated spirits by retail otherwise than in accordance with the provisions of paragraph (1), and any person making a false statement to such seller or to an intending seller for the purpose of procuring a sale, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^[F1] level 3 on the standard scale].

(3) For the purposes of paragraphs (1) and (2), a person on whose behalf any sale is made by an agent, apprentice or servant shall be deemed to be the seller.

(4) Any officer of the Commissioners of Customs and Excise or any constable may, at all reasonable times, enter into any premises or portion thereof in which methylated spirits are sold, or exposed for sale, by retail, and require any retailer of methylated spirits, and any agent, apprentice or servant of such retailer, to produce for inspection accounts showing particulars of purchases, sales and stock in hand.

(5) Any person who uses methylated spirits or methylated ether for the purpose of drinking or who wilfully connives with any person to obtain such spirits or ether for the purpose of drinking, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^[F1] level 3 on the standard scale].

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Supplementary provisions relating to methylated spirits and methylated ether

13.—(1) Every retailer of methylated spirits or methylated ether shall keep such records, accounts and particulars regarding such spirits or ether as may be prescribed by regulations; and a retailer failing to comply with the regulations or to produce such records, accounts and particulars for inspection to any person authorised by the Department, or when required under Article 12(4), or falsifying such records, accounts or particulars, 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].

(2) A person shall not supply, sell or offer for sale methylated ether, except in the following cases—

- (a) where the ether is supplied, sold or offered to a person registered under the Medical Acts 1956 to 1969, or the Dentists Act 1957, for the purposes of his profession; or
- (b) where the ether is supplied, or sold, on the order of a person registered as aforesaid, for use in a hospital or similar institution; or
- (c) where the ether is supplied, sold or offered to a wholesale dealer for the purpose of export from Northern Ireland; or
- (d) where the ether is supplied, sold or offered for sale, by wholesale, to a retail dealer in the ordinary course of wholesale dealing; or
- (e) where the transaction is for such purpose, or takes place under such conditions, as may be authorised by regulations.

(3) Any person who acts in contravention of the provisions of paragraph (2), or who has methylated ether in his possession otherwise than for a purpose for which ether may be lawfully purchased, sold or supplied under that paragraph, 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].

(4) Where a justice of the peace is satisfied by complaint on oath that there is reasonable ground for believing that any methylated spirits or methylated ether are exposed or kept for sale at any place in the county or county borough for which he is justice in contravention of the provisions of Article 12 or of this Article, he may issue a search warrant under his hand authorising a constable at any time or times within one month from the date of the warrant—

- (i) to enter that place, by force if need be; and
- (ii) to examine and search that place for methylated spirits or methylated ether; and
- (iii) where the constable has reasonable grounds for suspecting that any methylated spirits or methylated ether found therein to be in that place for the purpose of sale there or elsewhere in contravention of those provisions, to seize and remove any such spirits or ether and their containers.

(5) In the event of the owner or occupier of such premises being convicted of exposing or keeping for sale any methylated spirits or methylated ether in contravention of the provisions of Article 12 or of this Article, the spirits or ether so seized, and their containers, shall be forfeited.

(6) Every wholesale dealer in methylated ether shall keep, in such form as may be prescribed by regulations, particulars of all his sales of such ether, and a wholesale dealer failing to keep such particulars, or to produce them to any person authorised by the Department when required, 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].

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Forfeiture of licences for certain offences

14.—(1) A licence under section 117(1)^{F3} of the Customs and Excise Act 1952 for the sale of methylated spirits by retail, held by any person who is convicted of an offence to which this paragraph applies, shall, in addition to any other penalty, forfeiture or term of imprisonment which the court may impose, be annulled, unless the court by which the conviction has been made is satisfied that, by reason of the existence of extenuating circumstances in connection with the offence, the licence ought not to be annulled.

(2) The court by which a conviction mentioned in paragraph (1) has been made shall record in its order either the annulment of the licence or, as the case may be, the extenuating circumstances.

(3) The offences to which paragraph (1) applies are—

- (a) the selling of methylated spirits without being duly licensed or authorised in that behalf; and
- (b) any offence under section 16, 17, 19, 22, 23, 24, 25, 27 or 28 of the Illicit Distillation (Ireland) Act 1831 .

F3 1979 c. 4

Changes to legislation:

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