
STATUTORY INSTRUMENTS

2015 No. 966

The Control of Poisons and Explosives Precursors Regulations 2015

PART 3

PROVISIONS APPLICABLE TO POISONS

Complete exemption for certain substances or articles

5. Nothing in the Act or in these Regulations applies to a regulated or reportable poison—
- (a) so far as contained in a substance or article specified in Part 1 of the Schedule, or
 - (b) of a kind specified in the first column of the Table in Part 2 of the Schedule, so far as contained in, or used for a purpose described in, the corresponding entry in the second column of that Table.

Record-keeping requirements

6.—(1) A person who supplies a regulated poison to a trade, business or profession must comply with the record-keeping requirements before delivering the poison.

(2) Paragraph (1) does not apply where the supply is by way of wholesale dealing.

(3) For the purposes of paragraph (2), a person supplies a poison by way of wholesale dealing if the person sells the substance to a person who buys for the purpose of selling it again.

(4) The “record keeping requirements” are that the person must—

- (a) make an entry (or cause an entry to be made) in a record to be kept by the person for the purposes of this regulation stating—
 - (i) the date of the supply,
 - (ii) the name and address of the trade, business or profession,
 - (iii) the name and quantity of the regulated poison supplied, and
 - (iv) the purposes for which it is stated by the trade, business or profession to be required, and
- (b) ensure that the entry is signed by a person authorised on behalf of the trade, business or profession.

Sale of poisons to retailers

7.—(1) A regulated poison may be supplied by way of wholesale dealing to a retailer only if—

- (a) the supplier has reasonable grounds for believing that the retailer is lawfully conducting a retail pharmacy business, or

- (b) the supplier has received a statement signed by the retailer, or by a person authorised on behalf of the retailer, stating that the retailer does not intend to sell the poison on any premises used for, or in connection with, the retailer's business.
- (2) For the purposes of paragraph (1), a person supplies a poison by way of wholesale dealing if the person sells the substance to a person who buys for the purpose of selling it again.
- (3) In paragraph (1), “retailer” means a person who carries on a retail business.

Storage of poisons in retail premises etc.

- 8.—**(1) A regulated poison or reportable poison may be stored in a retail shop, or in premises used in connection with a retail shop, only if—
- (a) it is stored in a cupboard or drawer reserved solely for the storage of poisons,
 - (b) it is stored in a part of the premises that is partitioned off, or is otherwise separated from, the remainder of the premises and to which customers are not permitted to have access, or
 - (c) it is stored on a shelf reserved solely for the storage of poisons and no food or drink is kept directly under the shelf.
- (2) Paragraph (1) is subject to paragraph (3) in the case of a poison to be used in agriculture, horticulture or forestry.
- (3) The poison—
- (a) may be stored in a cupboard or drawer only if reserved solely for the storage of poisons to be used in agriculture, horticulture or forestry;
 - (b) may not be stored in any part of premises in which food or drink is kept;
 - (c) may not be stored on any shelf.

Hydrogen cyanide: special precautions

- 9.—**(1) Compressed hydrogen cyanide may only be supplied in a container that is labelled with the words: “Warning. This container holds poisonous gas and should only be opened and used by persons having expert knowledge of the precautions to be taken in its use”.
- (2) Paragraph (1) does not apply to the supply of compressed hydrogen cyanide for export from the United Kingdom.

Preservation of records

- 10.** Any record kept for the purposes of the Act, or of these Regulations, must be retained for a period of three years from the date of the last entry made in the record.

Changes to legislation:

There are currently no known outstanding effects for the The Control of Poisons and Explosives Precursors Regulations 2015, PART 3.