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Poisons Act 1972

Application for retention in the local authority's list of persons entitled to sell non-medicinal poisons included in Part II of the Poisons List

Please read the guidance notes

I,

Name _____

being engaged in the business of

Business _____

hereby apply to have my name entered in the list kept in pursuance of section 5 of the above Act in respect of the following premises, namely

Address _____

_____ Postcode _____

Telephone _____ Mobile _____

Email address _____

as a person entitled to sell from those premises poisons included in Part II of the Poisons List.

I hereby nominate

Name _____

Name _____

to act as my deputy (deputies) for the sale of non-medicinal poisons in accordance with Rule 10(1) of the Poison Rules 1978

Signature _____ Date _____

Poisons Act 1972

Guidance notes for listed sellers of non-medicinal poisons

The entry of a person's name in a local authority's list does not entitle that person to retail poisons set out in Part I of the Poisons List which, under the provisions of the Poisons Act 1972, may only be retailed by authorised sellers of poisons such as registered pharmacists.

A person whose name is entered in a local authority's list (a listed seller or Part II poisons) is permitted, subject to certain conditions (see below) to sell the poisons in Part II of the Poisons List. These are:

Aldicarb	Metallic oxalates
Alpha-chioralose	Methomyl
Ammonia	Nicotine; its salts; its quaternary compounds
Arsenic, these compounds of arsenic: Calcium arsenites, Copper acetoarsenate, Copper arsenates, Copper arsenites, Lead arsenates	Nitric acid
Barium, and these salts of barium: Barium carbonate, Barium silicofluoride	Nitrobenzene
Carbofuran	Oxamyl
Cycloheximide	Paraquat and its salts
Dinitrocresols (DNOC); their compounds with a metal or a base	Phenols in substances containing less than sixty per cent, weight in weight, of phenols; compounds of phenols with a metal in substances containing less than the equivalent of sixty per cent, weight in weight, of phenols]
Dinoseb; its compounds with a metal or a base	Phosphoric acid
Dinoterb	Phosphorus compounds, the following-
Drazoxolon and its salts	Azinphos-methyl, chlorfenvinphos, demephion, demeton-S-methyl, demeton-S-methyl sulphone, dialifos, dichlorvos, dioxathion, disulfoton, fonofos, mecarbam, mephosfolan, methidathion, mevinphos, omethoate, oxydemeton-methyl, parathion, phenkapton, phorate, phosphamidon, pirimiphos-ethyl, quinalphos, thiometon, thionazin, triazophos, vamidothion
Formaldehyde	Potassium hydroxide (caustic potash)
Formic acid	Sodium hydroxide (caustic soda)
Hydrochloric acid	Sodium nitrite
Hydrofluoric acid; alkali metal bifluorides; ammonium bifluoride; alkali metal fluorides; ammonium fluoride; sodium silicofluoride	Sulphuric acid
Mercuric chloride; mercuric iodide; organic compounds of mercury except compounds which contain a methyl (CH ₃) group directly linked to the mercury atom	Thiofanox
	Zinc phosphide

The requirements which apply to the sale of poisons by a listed seller of Part II Poisons are laid down in Section 3 of the Poisons Act 1972 and in the Poisons Rules 1982.

Articles exempted for the provisions of the Act and of the Rules are specified in Schedule 3 to the Rules.

The following is a summary of the requirements:

A) Requirements Applying to All Listed Sellers:

1. All sales must be effected on the premises specified in the local authority's list.
2. The container of the poison must be labelled with the various particulars (including the listed seller's name and address) and in the manner required by paragraph (c) of subsection (1) of section 3 of the Act and Rules 14 to 19.
3. No poison may be sold except in containers which comply with the requirements of Rule 2.
4. In the case of
aldicarb, any arsenical or mercurial substance (unless it contains no more than the small proportions of arsenic or mercury specified in Schedule 1 of the Poisons Rules), and in the case of barium carbonate (except rat and mouse poisons), barium silicofluoride, carbofuran, cycloheximide, dinitrocresols (except winter washes of not more than 5% thereof), dinoseb, dinoterb, drazoxolon, endosulfan, endothal, endrin, compounds of fentin, methomyl, nicotine (except agricultural and horticultural insecticide dusts containing not more than 4% nicotine) oxamyl, paraquat, phosphorous compounds, thiofanox, and zinc phosphide (except in the case of rat or mouse poisons)

the purchaser must either

- a) be known to the seller, or to the person in charge of the business in which the sale is affected, to be a person to whom the poison may be properly sold, or
- b) produce a valid certificate in the form prescribed in Schedule 10 to the Rules.

In addition, in the case of such poisons, the required particulars of the sale must be entered, before delivery, in the Poisons book to be kept in the form described in Schedule 11 to the Rules and (subject to the exception next mentioned) the entry must be signed by the purchaser (Rule 5).

In the case of a sale to a person for the purpose of his trade or business (Farmer, Horticulturist, etc.), paragraph (3) of Rule 6 permits the signature of the entry in the Poisons Book to be dispensed with upon certain conditions, one of which is that an order signed by the purchaser has previously been obtained.

5. Some substances may be sold
 - only in particular types of preparation as specified in Part A of Schedule 5 to the Rules (e.g. calcium arsenites in agricultural, horticultural and forestal insecticides or fungicides), and
 - in containers labelled clearly with a notice for the special purpose for which they are to be used and

- with a warning that they are to be used for that purpose only. (Rule 10(2)(a)).

These substances are:

aldicarb, alpha-chloralose, arsenical and mercurial substances, barium carbonate, carbofuran, cycloheximide, dinitrocesols, dinosam, dinoseb, dinoterb, drazoxolon, endosulfan, endothal, endrin, fenaminosulf, fenazaflor, compounds of fentin, formetanate, metallic oxalates other than potassium quadroxolate, methomyl, nitrobenzene, oxamyl, paraquat, the phosphorus compounds and zinc phosphide.

6. The following poisons may be sold only to those engaged in the trade or business of agriculture, horticulture or forestry and for the purpose of that trade or business:

aldicarb, compounds of arsenic (other than lead arsenates and copper acetoarsenite) carbofuran, dinitrocesols (other than winter washes containing not more than the equivalent of 5% of dinitrocesols), dinosam, dinoseb, dinoterb, drazoxolon, fenaminosulf, fenazaflor, compounds of fentin, formetanate, any mercuric chloride, mercuric iodide or any organic compound of mercury (other than solutions containing not more than 5% weight in volume of phenyl mercuric acetate for use in swimming baths), methomyl, oxamyl, paraquat, the phosphorus compounds (other than mipafox in the form of a cap on a stick or wire).

7. It is unlawful to store any poison except in a container impervious to the poison and sufficiently stout to prevent leakage from the container arising from the ordinary risks of handling. (Rule 21 (1)).

8. Any poison consigned for transport must be sufficiently stoutly packed to avoid leakage arising from the ordinary risks of handling and transport. The outside of any package consigned for transport by a carrier must be labelled conspicuously with the name of the poison and a notice that it is to be kept separate from food and from empty food containers.

Poisons may not be carried in any vehicle in which food is being transported unless the food is in a part effectively separated from that containing the poison or is otherwise adequately protected from the risk of contamination (Rules 23 and 24).

B) Additional Requirements applying to Sales from Retail Shops

1. No poison may be sold by a listed shopkeeper except in closed as closed by the manufacturer or other person from whom the poison was obtained (Rule 10(1)(a)).

2. Some poisons

- may not be sold except by the listed shopkeeper himself or by a responsible deputy nominated by him to the local authority in accordance with Rule 10(1)(b).
- must be stored either
 - a) in a cupboard or drawer reserved solely for poisons, or
 - b) in a part of the premises partitioned off or otherwise separated from the rest of the premises and to which customers are not allowed access, or
 - c) upon a shelf reserved solely for the storage of poisons and under which no food is kept.

If contained in products for use in agriculture, horticulture or forestry, these poisons must be stored either in a cupboard or drawer reserved solely for such poisons, or in a separate part of the premises where no food is kept (Rule 22(2)).

This rule applies to these poisons:

aldicarb, arsenical or mercurial substances (unless they contain no more than the small proportions of arsenic or mercury specified in Schedule 1 to the Rules), barium carbonate (unless contained in products for destroying rats or mice), barium silicofluoride, carbofuran, cycloheximide, dinitrocresols (other than winter washes containing not more than the equivalent of 5% of dinitrocresols), dinoseb, dinoterb, drazoxolon, endosulfan, endothal, endrin, compounds of fentin, formetanate, methomyl, nicotine, oxamyl, paraquat, the phosphorus compounds, thiofanox and zinc phosphide (unless contained in a produce for destroying rats or mice).

FEES

The following fees shall be paid to the local authority by every person whose name is entered in the list:

- A) In respect of the entry of a name in the list, a fee of £64.00 for each set of premises in which the shopkeeper is entitled to sell;
- B) In respect of the making of any alteration to the list in relation to any of those premises, a fee of £16 for each alteration;
- C) In respect of the retention of a name on the list in any year subsequent to the year in which it was first entered, a fee of £64.00 for each set of premises.