

ANGUS COUNCIL

POISONS ACT 1972

Form of application by a person to have this name entered in a local authority's list of persons entitled to sell non-medical poisons included in Part II of the Poisons List.

To: THE CHIEF EXECUTIVE, ANGUS COUNCIL

I.....

being engaged in the business of.....

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.....

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.....

.....

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

I hereby nominate*.....

.....

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

*Should the listed seller desire to change to deputy, he must inform the local authority by notice, in writing.

Signature of applicant.....

Date.....

*This space is for
the use of the
Local Authority*

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FOR NOTES SEE OVERLEAF

Return this form the Angus Council, Environmental & Consumer Protection Department,
Trading Standards Service, The Mart, 13 Market Street, Forfar, DD8 3WT

NOTES

The entry of a person's name on a local authority's list does not entitle that person to retail poisons in Part I of the Poisons List, which by the provision of the Poisons Act 1972 may only be retailed by authorised sellers of poisons (ie registered pharmacist).

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

Alidcarb; Alpha-choralose; Ammonia; Arsenic; compounds of the following:- Calcium arsenites; Copper acetoarsenite; Copper arsenates; Copper arsenites; Lead arsenates; Barium; salts of the following:- Barium carbonate; Barium silicofluoride; Carbofuran; Cycloheximide; Dinitrocresols (DNOC); their compounds with a metal or base; Dinoseb; its compounds with a metal or a base; Drazoxolon; its salts; Endosulfan; Endothal; its salts; Endrin; Fentin, compounds of; Formaldehyde; Formic acid; Hydrochloric acid; Hydrofluoric acid; alkali metal bifluorides; ammonium bifluoride; alkali metal fluorides, ammonium fluoride; sodium silicofluoride; Mercuric chloride, Mercuric iodide; organic compounds of mercury except compounds which contain a methyl (CH₃) group directly linked to the mercury atom; Metallic oxalates; Methomyl; Nicotine; its salts; its quaternary compounds; Nitric acid; Nitrobenzene; Oxamyl; Paraquat, salts of; Phenols (as defined in Part I of his List) 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; Phosphoric acid, Phosphorus compounds, the following:- 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-ethylm quinalphos, thiometon, thionazin, triazophos, vamidothion; Potassium hydroxide, Sodium hydroxide; Sodium nitrate; Sulphuric acid; Thiofanox, Zinc phosphate.

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.

The following is a summary of the requirements:

Restrictions of Sales by Listed Sellers of Part II Poisons

- (1) No shopkeeper shall be entitled by virtue of being a listed seller of Part II poisons to sell:-
 - (a) any poisons other than ammonia, hydrochloric acid, nitric acid, potassium quadroxalate and sulphuric acid, except in a closed container as closed by the manufacturer or other person whom the poison was obtained (Rule 10).
 - (b) any poison included in Schedule 1 to these Rules, unless the sale is effected by himself or by a responsible deputy (Note: The expression "responsible deputy" means a person nominated as a deputy on the seller's form of application, for entry as a listed seller of Part II poisons, or any persons substituted, by notice in writing to the local authority, for a person so nominated, and not more than two deputies shall be nominated at the same time in respect of one set of premises.)
- (2) No person shall be entitled by virtue of being a listed seller of Part II poisons to sell:-
 - (a) any poison included in Part B of Schedule 4 to these Rules and unless the article or substance sold is one of the articles or substances specified against the description of the poison in the second column of the Part and the container of the substances is in addition to any other direction of the Act, or of these Rules with respect to labelling, labelled clearly with a notice of the special purpose for which the article or substance is intended and a warning that it is only to be used for the purpose.

- (b) any poison included in Part B of Schedule 4 to these Rules, unless the purchaser thereof is engaged in the trade or business of agriculture, horticulture, or forestry and requires the poison for the purpose of that trade or business.
- (c) cycloheximide, unless the purchaser thereof is engaged in the trade or business of forestry and requires the poison for the purpose of that trade or business. Rule 10(2).

The sale must be effected on the premises specified in the local authorities list.

The container of the poison must be labelled with the various particulars and in the manner required by paragraph (c) of sub-section (1) of Section 3 of the Act and Rules 15 to 20.

No poison may be sold except in containers which comply with the requirements of Rule 21.

Storage of Poisons

- (1) It shall not be lawful 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.
- (2) It shall not be lawful to store any substance in Schedule 1 of the Poisons Rules in any retail shop or premises used in connection therewith unless the substance is stored:-
 - (a) in cupboard or drawer reserved solely for the storage of poisons; or
 - (b) in a part of the premises which is partitioned off or otherwise separated from the remainder of the premises and to which customers are not permitted to have access of.
 - (c) on a shelf reserved solely for the storage of poisons and no food is kept directly under the shelf. Provided that in the case of any such substance to be used in agriculture or horticulture, it shall not be lawful to store the substance on any shelf, or in any such part of the premises as aforesaid if food is kept in that part, or in any cupboard or drawer unless the cupboard or drawer is reserved solely for the storage of poisons to be used as aforesaid. (Rule 22).

Packaging of Poisons

Poisons must be supplied in containers which comply with the provisions of The Chemical (Hazard Information and Packaging) Regulation 1993. The receptacles and associated packaging containing poisons must be designed, constructed, maintained and closed so as to prevent any of the contents from escaping when subjected to the stresses and strains or normal handling. They should not be made of any material liable to be adversely affected by the poison not to be liable, in conjunction with the poison, to form any other substance which is itself a risk to health and safety. Labelling bearing the required safety and risk warning is also necessary.

Fees to be paid by Listed Sellers to Part II Poisons

A fee shall be paid to the local authority by every person whose name is entered in the list kept by that authority:-

For details of the fees contact

Trading Standards Service
Angus Council
The Mart
13 Market Street
Forfar
DD8 3WT

Tel: 01307 473913
Fax: 01307 465923