



Poisons Act 1972

(1972 c.66)

Form of application by a person to have his name entered
in Aberdeenshire Council's list of persons entitled to sell
non-medicinal poisons included in Part II of the Poisons List

To the Chief Executive of Aberdeenshire 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.

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

I hereby nominate

1) _____ 2) _____

to act as my deputy (not more than two deputies) for the sale of non-medicinal poisons in
accordance with Rule 10(1) of the Poisons Rules 1982

Signature of Applicant

Date

This space is for the use of Aberdeenshire Council

Notes

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

A person whose name is entered in a local authority's list (a 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:-

Aldicarb; alpha-chloralose; ammonia; the following arsenic compounds – calcium arsenites, copper acetoarsenite, copper arsenite, copper arsenates and lead arsenates; the following salts of barium – barium carbonate and barium silicofluoride; carbofuran; cycloheximide; dinitrocresols (DNOC), their compounds with a metal or a base; dinoseb, its compounds with a metal or a base; dinoterb; drazoxolon, its salts; endosulphan; endothal, its salts; endrin; compounds of fentin; formaldehyde; formic acid; hydrochloric acid (spirits of salt); hydrofluoric acid; alkali metal bifluorides; ammonium fluoride and sodium silicofluoride; mercuric chloride; mercuric iodide and organic compounds of mercury except compounds which contain a methyl (CH₃) group directly linked to the mercury atom; metallic oxalates; methomyl; nicotine and its salts and quaternary compounds; nitric acid; nitrobenzene; oxamyl; salts of paraquat; phenols (as defined in Part I of the Poisons List) in substances containing less than 60% weight in weight of phenols and compounds of phenols with a metal in substances containing less than the equivalent of 60% weight in weight of phenols; phosphoric acid; the following phosphorus compounds – azinphos methyl, chlorfenvinphos, demephion, demeton-S-methyl, sulphone, dialiphos, dichlorvos, dioxathion, disulphoton, fonophos, mecarbam, mephospholan, methidathion, mevinphos, omethoate, oxydemeton-methyl, parathion, phenkapton, phorate, phosphamidon, pirimiphos-ethyl, quinalphos, thiometon, thionazin, triazophos, vamidothian; potassium hydroxide (caustic potash); sodium hydroxide (caustic soda); sodium nitrite; sulphuric acid; 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.

The following is a summary of the requirements:-

A) Requirements applying to all listed sellers of Part II Poisons

1. The sale must be effected in the premises specified in the local authority's list. (Except preparations intended for indoor use in the destruction of rats or mice and containing not more than 4% weight in weight of alpha chloralose; preparations intended for indoor use in the destruction of rats or mice and containing not more than 8.5% weight in weight of alpha-chloralose; where the preparation is contained in a bag or sachet which is itself attached to the inside of a device in which the preparation is intended to be so used and the device contains not more than 3 grams of the preparation.)

2. In the case of aldicarb, alpha-chloralose, any arsenical or mercurial substance (unless it contains no more than the small proportion of arsenic or mercury specified in Schedule 1 to the Poisons Rules), barium carbonate (except in the case of articles prepared for the destruction of rats and mice), barium silicofluoride, carbofuran, cycloheximide, dinitrocresols (except winter washes containing not more than 5% thereof); dinoterb, drazoxolon, endosulphan, endothal, compounds of fentin; methomyl; nicotine (except agricultural and horticultural insecticides consisting of nicotine dusts containing not more than 4% of nicotine); oxamyl, paraquat, the phosphorus compounds; thiofanox, zinc phosphide, except in the case of articles prepared for the destruction of rats or mice), the purchaser must a) be known to the seller or to the person in

charge of the premises on which the substance is sold or of the department of the business in which the sale is effected, to be a person to whom the poison may properly be 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 must be entered, before delivery, in the Poisons Book to be kept in the form prescribed 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.

3. Aldicarb, alpha-chloralose, arsenical and mercurial substances; barium carbonate, carbofuran, cycloheximide, dinitrocresols, dinoseb, dinoterb, drazoxolon, endothal, endrin, compounds of fentin, metallic oxalates other than potassium quadroxalate, methomyl, nitrobenzene, oxamyl, thiofanox, paraquat, the phosphorus compounds and zinc phosphide may be sold only in particular types of preparation as specified in Part A of Schedule 5 to the Rules (eg calcium arsenites in agricultural, horticultural and forestal insecticides or fungicides).

4. The following poisons may only be sold to persons engaged in the trade or business of agriculture, horticulture or forestry and only for the purposes of that trade or business; aldicarb; arsenic; compounds of calcium arsenites; copper acetoarsenite; copper arsenates; copper arsenites; lead arsenates; carbofuran; cycloheximide (only forestry products sold to foresters); dinitrocresols (DNOC), their compounds with a metal or base (except winter washes containing not more than the equivalent of 5% of dinitrocresols; dinoseb, its compounds with a metal or a base; dinoterb; drazoxolon, its salts; endosulfan; endothal, its salts; endrin; fentin; compounds of mercuric chloride; mercuric iodide; organic compounds of mercury except solutions containing not more than 5% weight in volume, of phenyl mercuric acetate for use in swimming baths; methomyl; oxamyl; paraquat, salts of; phosphorus compounds, the following – azinphos methyl, chlorfenvinphos, demephion, demeton-Smethy, dialifos, dichlorvos, dioxathion, disulfoton, fonophos, mecarbarn, mephosfolan, methidathion, mevinphos, omethoate, oxydemeton-methyl, parathion, phenkapton, phorate, phosphamidon, pirimiphos-ethyl, quinalphos, thiometon, thionazin, triazophos, vamidothian, thiofanox.

B) Additional Requirements applying solely to listed Shopkeepers

1. No person shall be entitled by virtue of being a listed seller of Part II Poisons to sell any poison which has, since being obtained by him, been subject to any form of manipulation, treatment or processing as a result of which the poison has been exposed (Rule 10(1)(a)).

2. Aldicarb, alpha-chloralose (unless in the form of rat or mouse poison and not exceeding the amounts specified in Schedule 1 of the Rules; 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 an article prepared for the destruction of 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; methomyl; nicotine, its salts, its quaternary compounds; oxamyl; thiofanox; paraquat, salts of; the phosphorus compounds and zinc phosphide (unless contained in an article prepared for the destruction of rats or mice) may not be sold except by the listed shopkeeper himself or by a responsible deputy nominated by him to the local authority in writing in accordance with Rule 10(1)(b); and they must be stored either in a cupboard or drawer reserved solely for poisons, or in a part of the premises which is partitioned off from the rest of the premises and to which customers are not allowed to have access, or upon a shelf reserved solely for poisons provided in the last case that no food is kept directly under the shelf; but if contained in substances for use in agriculture, horticulture or forestry, these poisons

must be stored either in a cupboard or drawer reserved solely for poisons intended for such use or in such a separate part of the premises as aforesaid where no food is kept. Fees (Rule 21)

Fees (Rule 24)

Fees are chargeable in the following circumstances:-

- a) In respect of the entry of a name in the list, a fee is charged for each set of premises on which he is entitled to sell;
- b) In respect of the making of any alteration in the list in relation to the premises on which he is entitled to sell;
- c) In respect of the retention of his name on the list in any year subsequent to the year in which it was first entered for each set of premises.

PLEASE DETACH NOTES FROM THE FORM AND RETAIN FOR REFERENCE.