



ENVIRONMENTAL AND CONSUMER PROTECTION SERVICES

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**GUIDANCE NOTES FOR TRADERS ON
THE REQUIREMENTS OF
THE POISONS ACT 1972
IN RELATION TO LISTED SELLERS**

The leaflet has been prepared for the guidance of local traders. For the sake of brevity the information is not complete and may be subject to amendment from time to time. If you would like more advice or information, please contact the Environmental and Consumer Protection Services at the address below:

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GUIDANCE NOTES FOR TRADERS

THE REQUIREMENTS OF THE POISONS ACT 1972 IN RELATION TO LISTED SELLERS

1. Background

- 1.1 The Poisons Act 1972 and the Poisons Rules 1982 prohibit the sale of poisons unless the seller is a retail pharmacist or a person who has his name on the local authority's list entitling him to sell poisons from the premises named.
- 1.2 A person whose name is entered in the local authority's list (a listed seller) CANNOT sell poisons which are included in Part 1 of the Poisons List. These may only be sold by a pharmacist.
- 1.3 A listed seller or his named deputies is authorised to sell the poisons named in Part II of the Poisons List subject to conditions stated below.
- 1.4 Each listed seller is required to keep a Poisons Book in which certain information relating to each sale of a poison must be entered before delivery to the purchaser. (see 3.1.4, 3.1.5 and 6.1 for exemption from this requirement).

2. Part II Poisons which can be sold by a listed seller

- 2.1 A listed seller can sell any of the following poisons:

aldicarb	alpha-choralose	ammonia
carbofuran	cycloheximide	dinoterb
drazoxolon and its salts	endothal and its salts	endosulfan
endrin	formaldehyde	formic acid
hydrofluoric acid	alkali metal bifluorides	ammonium bifluoride
alkali metal fluorides	ammonium fluoride	sodium silico-fluoride
mercuric chloride	mercuric iodide	metallic oxalates
methomyl	nitric acid	nitrobenzene
oxamyl	phosphoric acid	sodium nitrate
sulphuric acid	thiofanox	zinc phosphide

the following arsenic compounds:

calcium arsenites	copper acetoarsenite	copper arsenates
copper arsenites	lead arsenates	

the following salts of barium:

barium carbonate	barium silicofluoride
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dinitrocresols (DNOC) and their compounds with a metal or a base

compounds of fentin

hydrochloric acid

organic compounds of mercury except compounds which contain methyl (CH₃) group directly linked to the mercury atom.

nicotine and its salts and quaternary compounds

salts of paraquat

phenols (any member of the series of phenols of which the first member is phenol and of which the molecular composition varies from member to member by one atom of carbon and two atoms of hydrogen) in substances containing less than 60% weight in weight of phenols and compounds of phenol with a metal in substances containing less than the equivalent of 60%, weight in weight, of phenols.

the following phosphorus compounds:

azinphos-methyl	chlorfenvinphos	demephion
demeton-S-methyl	demeton-S-methyl sulphone	dialifos
dichlorvos	dioxathion	disulfoton
fonofos	mecarbam	mephosfolan
methidathion	mevinphos	omehoate
oxydemeton-methyl	parathion	phenkapton
phorate	phosphamidon	primiphos-ethyl
quinalphos	thiometon	thionazin
triazophos	vamidothion	

potassium hydroxide (caustic potash)

sodium hydroxide (caustic soda)

3. Requirements for Listed Sellers

3.1 The following requirements apply to all listed sellers of Part II poisons:

3.1.1 The sale must be effected on the premises specified in the local authority's list.

3.1.2 No poison may be sold which since being obtained by the seller has been subject to any form of manipulation, treatment or processing as a result of which the poison has been exposed.

3.1.3 In the case of the poisons listed below, the purchaser must either:

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, as a person to whom the poison may properly be sold,

or

b) produce a valid certificate to the effect that he is a person to whom the poison may be properly sold.

In addition, the required particulars of the sale must be entered in the Poisons Book and this entry must be signed by the purchaser. (see 3.1.4 and 3.1.5 for exemptions from signing before delivery).

aldicarb	alpha-choralose	barium silico flouride
carbonfuran	cycloheximide	dinoseb
dinoterb	drazoxolon	endosulfan
endothal	endrin	compound of fentin
methomyl	oxamyl	salts of paraquat
phosphorus compounds	thiofanox	

any arsenical or mercurial substance (unless it contains no more than the small proportions 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 or mice)

dinitrocresols (except winter washes containing not more than 5% thereof)

nicotine (except agricultural and horticultural insecticides consisting of nicotinic dusts containing not more than 4% of nicotine)

zinc phosphide (except in the case of articles prepared for the destruction of rats or mice)

3.1.4 In the case of a sale to a person for the purpose of his trade, business or profession eg farmer, horticulturist etc., the requirement that the purchaser must sign the entry in the Poisons Book before delivery is dispensed with in the following circumstances:

- a) a written order signed by the purchaser stating his name and address, trade, business or profession must be obtained before the sale is completed.
- b) the order must state what article is required, the purpose it is required for and the total quantity to be purchased
- c) the seller must be satisfied that the signature is that of the person purporting to have signed the order and that the person carries on the trade, business or profession stated for which the poison is used
- d) the seller must insert the words 'signed order' in the appropriate column of the Poisons Book

3.1.5 Where a poison is required urgently for the purpose of a person's trade, business or profession, the seller may deliver the poison to that person provided he is satisfied that the person does need the poison and, because of some emergency, is unable to provide a signed order or to sign the Poisons Book before delivery.

The person obtaining the poison must provide a signed order within 72 hours. Failure to do so is a breach of the Poisons Rules.

- 3.1.6 The poisons listed below can only be sold in certain types of preparations as given in Part A of Schedule 5 to the Poisons Rules. eg Calcium Arsenites can only be sold when included in agricultural, horticultural and forestall insecticides or fungicides; Zinc Phosphide can only be sold when in preparations for the destruction of rats and mice.

These poisons are:

aldicarb	alpha-chloralose	barium carbonate
carbofuran	cycloheximide	dinoseb
dinoterb	drazoxolon	dinitrocresols
endosulfan	endothal	endrin
compounds of fentin	methomyl	nitrobenzene
oxamyl	salts of paraquat	phosphorous compounds
thiofanox		

certain arsenical or mercurial substances

metallic oxalates other than potassium quadroxalate

- 3.1.7 The poisons listed below can only be sold to persons who are engaged in the trade or business of agriculture, horticulture or forestry, and the poisons must be for the purpose of that trade or business.

These poisons are:

aldicarb	compound of arsenic	carbofuran
cycloheximide	dinoseb	dinoterb
drazoxolon	endosulfan	endothal
endrin	compounds of fentin	any mercuric chloride
mercuric iodide	methomyl	oxamyl
salts of paraquat	phosphorous compounds	thiofanox

dinitrocresols (other than winter washes containing not more than the equivalent of 5% of dinitrocresols).

any organic compound of mercury (other than solutions containing not more than 5%, weight in volume, or phenyl mercuric acetate for use in swimming baths).

3.2 Additional Requirements for Listed Sellers of Part II Poisons who are Shopkeepers

- 3.2.1 The poisons listed below can only be sold by the listed shopkeeper himself or by a responsible deputy who has been nominated by the shopkeeper. The name of the deputy must be stated on the seller's application form for entry as a listed seller and a maximum of two such deputies is permitted for any one set of premises.

An alteration can be made to the names of the deputies by informing the local authority in writing of the details of the change.

These poisons are:

aldicarb	alpha-chloralose	carbofuran
cycloheximide	dinoseb	dinoterb
drazoxolon	endosulfan	endothal

endrin	compounds of fentin	methomyl
nicotine	oxamyl	salts of paraquat
phosphorous compounds	thiofanox	zinc phosphide

arsenical or mercurial substances (unless they contain no more than the small proportions of arsenic or mercury specified in Schedule I to the Rules).

salts of barium (other than barium sulphate)

dinitrocresols (other than winter washes containing not more than the equivalent of 5% of dinitrocresols).

3.2.2 In any retail shop, or premises used in connection with it, the poisons listed in section 3.2.1 above must be stored as follows:-

- a) in a cupboard or drawer kept only for that purpose, or
- b) in a part of the premises separated from the rest of the premises and to which customers are not permitted, or
- c) on a shelf reserved solely for the poisons and no food is kept directly under the shelf

However, if any of the poisons are for use in agriculture, horticulture or forestry, they cannot be kept in the manner of (b) above, UNLESS there is no food kept in those parts of the premises, nor can they be kept on any shelf. They can be stored in a cupboard or drawer reserved for that purpose.

4. Packaging

- 4.1 Poisons must be supplied in containers which comply with the provisions of The Chemicals (Hazard Information and Packaging) Regulations 1993.
- 4.2 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 of normal handling. They should not be made of any material liable to be adversely affected by the poison nor 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 warnings is also necessary.
- 4.3 A bottle containing any poison in liquid form and of a capacity not more than 1.14 litres must have its outer surface fluted vertically with ribs or grooves recognisable by touch.

5. Transport

- 5.1 It is not permitted for any person to transport any poison in any vehicle in which food is being transported unless the food is in a part of the vehicle which is separated from the poison or is adequately protected from the risk of contamination.

6. Relaxation of the Requirements for some Part II Poisons

- 6.1 The following poisons must be sold from premises where the shopkeeper is a listed seller but there is no requirement to know the purchaser or to make entries in the Poisons Book:

These poisons are:

ammonia	formaldehyde	formic acid
hydrochloric acid	hydrofluoric acid	alkali metal bifluorides
ammonium bifluoride	alkali metal fluorides	ammonium fluoride
sodium silico-fluoride	metallic oxalates	nitric acid
nitrobenzene	phosphoric acid	potassium hydroxide
sodium hydroxide	sodium nitrite	sulphuric acid

phenols in substances containing less than 60% weight in weight of phenols

compounds of phenols with a metal in substances containing less than the equivalent of 60% weight in weight of phenols

7. Exemptions from the provisions of the Poisons Act 1972 and Poisons Rules 1982

7.1 adhesives anti-fouling compositions builders materials
ceramics cosmetic products distempers
electrical valves enamels explosives
fillers fireworks fluorescent lamps

flux in any form for use in soldering

glazes	glue	inks
lacquer solvents	loading materials	matches

medicated animal feeding stuffs

motor fuels & lubricants	paints	photographic paper
pigments	plastics	propellants
rubber	varnishes	vascular plants & their seeds

7.2 The following are examples of poisons which are also exempt if included in the articles or substance stated:

ammonia	substances containing less than 10% of ammonia	
drazoxolon	treatments on seeds	
formaldehyde	substances containing less than 5% of formaldehyde;	
	photographic glazing or hardening solutions	
mercuric chloride	batteries; treatments on seeds & bulbs	
nicotine	tobacco	
paraquat salts	preparations in pellet form containing not more than 5%	of
	salts of paraquat	
phenols	creosote; liquid disinfectants not containing phenol	
	itself and containing less than 2.5% of other phenols	
phosphoric acid	substances containing phosphoric acid other than	
	descaling preparations containing more than 50% of	
	ortho-phosphoric acid	
dichlorvos	preparations in aerosols containing not more than 1% of	
	materials impregnated with dichlorvos for slow release	
sodium hydroxide	substances containing less than 12% of total caustic	
	alkalinity expressed as sodium hydroxide	
sulphuric acid	batteries and sealed containers in which the acid is	

packed together with car batteries for use in those
batteries; fire extinguishers

There are a number of other exemptions which are given in full in Schedule 4 to the Poisons Rules 1982

8. Trade Names or Common Names of Substances which contain Part II Poisons

8.1 The following are examples of products containing Part II Poisons which can only be sold by a listed seller or his deputies and for which an entry is required in the Poisons Book (unless the circumstances outlined in 4.1.6 or 4.1.7 prevail).

<u>Product</u>	<u>Poison</u>	<u>Use</u>
Clean-Sweep	Paraquat	weed-killer
Dumtox	Demeton-S-Methyl (Phosphorous compound)	insecticide
Gramoxone	Paraquat	weed-killer
Sentry	Aldicarb	insecticide

8.2 The following are examples of products containing Part II Poisons which can only be sold from premises of a listed seller but no entry is required in the Poisons Book (Shaws guide to Fair Retail Prices indicates which items require registration).

Product	Poison	Use
Ataka	Formic Acid	kettle descaler
Kleenoff Drain Opener	Sodium Hydroxide	drain cleaner
Caustic Soda	Sodium Hydroxide	drain cleaner
Clean-Up	48% Phenols	multi-purpose fungicide
Elsan Blue	Formaldehyde	chemical toilet fluid
Aqua Kem	Formaldehyde	chemical toilet fluid
Kay-Dee- Fast Acting	Formic Acid	kettle descaler

9. Poisons Book

- 9.1 Appendix 1 shows the form of entry to be made in the book
- 9.2 All Poisons Books must be kept for at least two years from the date of the last entry in the book
- 9.3 The book must be produced on request by any officer authorised under the Poisons Act 1972 to examine the entries made in the book

10. Fees

- 10.1 Fees must be paid to the local authority by persons wishing to have their names on the list.
- 10.2 The fees are payable for:
 - a) the entry of the seller's name and those of any deputies on the list
 - b) any alterations to the list in relation to the premises from which the poisons are sold
 - c) the retention on the list of the seller's name in any year after the year of first entry
- 10.3 Details of the current fees may be obtained by telephoning one of our offices

APPENDIX 1

FORM OF ENTRY TO BE MADE IN THE POISONS BOOK

		Purchaser's						
	Name & quantity of poison supplied	Name	Address	Business trade or occupation	Purpose for which stated to be required	Date of certificate (if any)	Name & Address of person giving certificate (if any)	Signature of purchaser or, when a signed order is permitted by the Poisons Rules 1982, the date of the signed order

APPENDIX 2 - PART II POISON

BRAND NAME	USE	BRAND NAME	USE
A-Chem Ltd.	Drain Cleaner	Boots moth killer	Insecticide
Agrisense funnel trap insecticidal strip	Insecticide	Bop	Insecticide
Alpha Azinphos Methyl 22 EC	Pesticide	Borite Sanitary cleanser	Sanitary cleaner
Alpha Chloralose (pure)	Rodenticide	Brestan 60	Pesticide
Alpha Chloralose 4% Ready Mixed	Rodenticide	Brestan 60 sp	Pesticide
Alphakil	Rodenticide	Brillo clearway	Drain cleaner
Ammonia	Cleaner	Calmic Flykil	Insecticide
Aqua Kem	Chemical toilet fluid	Campa chem	Chemical toilet fluid
Aqua Kem Concentrate	Chemical toilet fluid	Campbells Disulfoton FE 10	Pesticide
Aqua Kem Sachets	Chemical toilet preparation	Campbells DSM	Pesticide
Aqua Kem weekender	Chemical toilet fluid	Campbells Nico Soap	Pesticide
Armillatox	Weedkiller	Campbells Phorate	Pesticide
Armour quicksilver	Wheel cleaner	Caustic Soda	Drain cleaner
Ashlade Flotin	Pesticide	Chemi-Kazi	Chemical toilet cleaner
Ashlade Flotin 2	Pesticide	CIA Fertin-475-wp	Pesticide
Ataka	Kettle Descaler and bath stain remover	CIA paraquat 200	Weedkiller
Auto shreds	Unknown	Clean-sweep	Weedkiller
Barclay carbosect	Pesticide	Cromessol Fly-Away	Insecticide
Barclay Total	Weedkiller	Cubisan	Pesticide
Basf phorate	Pesticide	Cudgel	Pesticide
Birlane 24	Pesticide	Culmstock Flying Insect Killer	Insecticide
Blanchards Caustic Soda	Drain cleaner	Culmstock Mothproofer	Pesticide
Blanchards spirits of salts	Cleaner	Cytro-Lane	Pesticide
Blue-pac by ordex	Chemical toilet fluid		

APPENDIX 2 - PART II POISON

BRAND NAME	USE	BRAND NAME	USE
Dacamox 5 G	Pesticide	Farmatin 560	Pesticide
Darmycol Dichlorvos	Pesticide	Farmon PDQ	Weedkiller
DDVP (toxicant) Strip	Pesticide	Femex granules	Pesticide
Deeploean Freeflow Drain Cleaner	Drain cleaner	Fielder	Pesticide
Defest Flea Spray	Insecticide	Fly Bait	Insecticide
Dextrone X	Weedkiller	Folimat	Pesticide
Dexuron	Weedkiller	Fonofos Seed Treatment	Pesticide
Disclean	Brickcleaner	Formaldehyde Pond Treatment	Pond cleaner
Disyston FE-10	Pesticide	Formalin general purpose parasite treatment	Pond cleaner
Disyston p-10	Pesticide		
DNC (winter wash)	Tree wash		
Dog-loon	Animal toilet cleaner	Golden Mairin Fly Bait	Insecticide
Doubledown	Pesticide	Gramonol 5	Weedkiller
Du-Ter 50	Pesticide	Gramoxone	Weedkiller
Durotox	Insecticide	Gramoxone 100	Weedkiller
Dyfonate 10G	Pesticide	Grovex Zinc Phosphide	Pesticide
Dyno-Rod Drain Free	Drain cleaner	Gustathion MS	Pesticide
Ekatin	Peaticide	Hostathion	Pesticide
Elsan Blue Bags	Chemical toilet		
Elsan Blue Concentrate	Chemical toilet fluid	Improved Golden Mairin	Insecticide
Elsan Blue Concentre Sanitary Fluid	Chemical toilet fluid		
Elsan Blue Lavatory Cleaner	Drain cleaner	Jenolite bath stain remover	Bath stain remover
Elsan Blue Perfumed Sanitary Fluid	Chemical toilet fluid	Jeyes Kleen off caustic soda	Drain cleaner
Elsan Concentrate	Disinfectant	Jidds Kettle Defurrer	Kettle descaler
Elsan Potti Kem	Chemical toilet		
Elsanol	Chemical toilet fluid		
Endspray	Pesticide		

APPENDIX 2 - PART II POISON

BRAND NAME	USE	BRAND NAME	USE
Kay Dee Drain Clear	Drain Cleaner	Odex Racasan Improved	Chemical Sanitary Fluid
Kay Dee Kettle Descaler	Kettle Descaler	Sanitary Fluid	
Kirock-K-Kettle Descaler	Kettle Descaler	One Shot Instant Drain Cleaner	Drain Cleaner
Klearwell Alphachloralose Bait	Rodenticide		
Knave		Parable	Weedkiller
Kontrol Kitchen Fly Killer	Pesticide	PDQ	Weedkiller
		Pif Paf Insecticide	Insecticide
Landgold Aldicarb 10g	Pesticide	Power Blade	Pesticide
Landgold Paraquat	Weedkiller	Power Parquat	Weedkiller
Lannate 20L	Pesticide		
		Quadrangle Super - Tin 4L	Pesticide
Mangers Caustic Soda	Drain Cleaner		
Mangers Drain Clear	Drain Cleaner	Racasan Sanitary Fluid	Chemical Toilet Fluid
Max Caustic Soda	Drain Cleaner	Rampart	Pesticide
Metasystox R	Pesticide	RCT Zinc Phosphide	Pesticide
Mitafox	Pesticide	Rentokil Alphakil	Rodenticide
Moval Iron Mould Remover	Iron Mould Remover	Rodextra Mouse Bait	Rodenticide
Mr. Muscle Concentrated	Drain Cleaner	Royal Gold Deodorizer	Chemical Toilet Preparation
Mr. Muscle Drain Opener	Drain Cleaner		
MTM Disulfoton P10	Pesticide	San Izal Disinfectant	Germicide
MTM Phorate	Pesticide	Sapecorn 10FG	Pesticide
Murphy DNOC	Unknown	Sapecorn 240EC	Pesticide
Murphy Formaldehyde Soil	Soil Sterilizer	Savall	Pesticide
Sterilizer		Scrubb's Cloudy Ammonia	Cleaner
		Scrubb's Formulation	Unknown
Nex	Pesticide	Scthye	Weedkiller
Nicotine 40% Shreds	Pesticide	Scythe LC	Weedkiller
Nicotine Dusts	Unknown	Sentry	Pesticide
Nuvan 500 EC	Pesticide	Sharpstow Laser Insect Killer	Insecticide
Nuvan Staykil	Insecticide	Shelltox Extra Fly Killer	Insecticide

APPENDIX 2 - PART II POISON

BRAND NAME	USE	BRAND NAME	USE
Shelltox Fly Killer	Insecticide	Townex Mouse Bait	Rodenticide
Shift It Drain Opener	Drain Opener	Twinspan	Pesticide
Simoniz Drain Free	Drain Opener		
Soltair	Weedkiller	Vapona Fly & Wasp Killer	Insecticide
Solvigran 10	Pesticide	Vapona Fly & Wasp Killer Spray	Insecticide
Sonar	Pesticide	Vapona Fly Killer	Insecticide
Sorex Golden Fly Bait	Insecticide	Vapona Moth Killer	Insecticide
Span Caustic Soda	Drain Cleaner	Vapona Professional Cockroach Killer	Insecticide
Span Spirits of Salts	Cleaner	Vijurrax Spray	Insecticide
Speedway	Weedkiller	Vydate 10g	Pesticide
Speedway Liquid	Weedkiller		
Standon Aldicarb 10g	Pesticide	WBC Systemic Aphicide	Pesticide
Standon Paraquat	Weedkiller	Wintox	Pesticide
Stefes Carbofuran	Pesticide		
Stefes Paraquat	Weedkiller	XL All Insecticide	Insecticide
Sundrops Strong Ammonia Solution	Cleaner	XL All Nicotine 95%	Insecticide
Supaswat Insect Killer	Insecticide		
Super Concentrated Sanitary Fluid	Chemical Toilet fluid	Yaltox	Pesticide
Super-Tin 4L	Pesticide		
		Zinc Phosphide	Pesticide
Temik 10g	Pesticide	ZP Rodent Bait	Pesticide
Tetra Homecare Caustic Soda	Drain Cleaner		
Thiodan 20 EC	Pesticide		
Thiodan 35 EC	Pesticide		
Throttle	Pesticide		
Tombel	Pesticide		
Top Farm Fentin 475 WP	Weedkiller		
Top Farm Parquat	Weedkiller		
Top Farm Paraquat 200	Weedkiller		