

COMMUNITY SERVICES DIRECTORATE

**TRADING STANDARDS
& LICENSING**



GUIDANCE NOTES
FOR THOSE PERSONS
WISHING TO SELL PART II POISONS

Poisons Act 1972
Poisons Rules 1982
Notes

- 1 Persons entitled to sell poisons
- (a) A person whose name is entered in a local authority's list as a listed seller of Part II poisons is permitted, subject to certain conditions to sell the poisons set out in Appendix 'A' to these notes
 - (b) 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. Such poisons may only be retailed by registered pharmacists.
- 2 (a) The sale of Part II poisons must be effected only on the premises specified in the local authority's list.
- (b) It is not permissible for any Part II poison to be sold from or offered for sale in an automatic machine.
- 3 Special restrictions relating to certain poisons.
- In the case of the sale of any of the poisons set out in Appendix 'B' to these notes the purchaser must either:-
- (a) be known to the seller, or the person in charge of the premises on which the substance is sold and who's name is on the local authority's list, 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 of the Poisons Rules 1982.
- In addition-
- (a) In the cases of these poisons, the required particulars of the sale must be recorded, before delivery in the Poisons Book, to be kept in the prescribed form in Schedule 2 of the Poisons Rules 1982, and the entry must be signed by the purchaser. In the case of a sale to a person for the purpose of his trade or business, the purchaser's signature may be dispensed with upon certain conditions, one of which is that an order, signed by the purchaser, has been obtained previously.
 - (b) These poisons must be stored on retail premises in a cupboard or drawer reserved solely for the storage of poisons or in a separate part of the premises where no customers are permitted access or on a shelf used exclusively for the storage of poisons. They shall be kept away from and not above any area used for food.
 - (c) These poisons may only be sold by the listed seller or a responsible deputy.

- 4 Certain poisons, set out in **Appendix 'C'** to these notes, may only be sold in the form specified therein.
- 5 Certain poisons, set out in **Appendix 'D'** to these notes, may only be sold to persons engaged in the trade or business of agriculture, horticulture or forestry and for use in that trade or business.
- 6 All Part II poisons must be sold in the containers in which the seller received them and must not be subjected to any form of manipulation, treatment or processing which might have exposed the poison.
- 7 The articles set out in **Appendix 'E'** in these guidance notes are exempt from all of the requirements of the Poisons Act 1972 and the Poisons Rules 1982.

Note

In the Appendices that follow, the poison that is listed may be an ingredient forming part of a commercially available preparation being sold under various trade names.

All substances which are subject to the Poisons Act 1972 and the Poisons Rules 1982 (**Appendix 'A'**) are also subject to the **Chemicals (Hazard Information and Packaging for Supply) Regulations 1994** and must be labelled in accordance with these regulations with the appropriate indication of danger symbol and if they are not pesticides, be contained in a container which has a child resistant fastening and which carries a tactile warning device.

Warning

Nothing in these guidance notes shall be treated as in any way allowing the sale of substances which are banned or severely restricted elsewhere by other legislation. Thus substances marked with an asterisk (*) are either banned from sale as pesticides or have had their use severely restricted from 1st January 1972.

(Source: Annex E Pesticides 1992)

Appendix 'A'
Poisons List Part II

Poison

Aldicarb

Alph – chloralose

Ammonia

Arsenic, the following compounds of:

Calcium arsenites

Copper acetoarsenite

Copper arsenates

Copper arsenites

Lead arsenates

Barium, the following salts of

Barium carbonate

Barium silicofluoride

Carbofuran

Cycloheximide

* Dinitrocresols (DNOC); their compounds with a metal or a base.

*Dinoseb, its compounds with a metal or a base.

*Dinoseb

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.

Poison

*Mercury chloride, Mercuric iodide; organic compounds of mercury, except compound with 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 1 of the poisons list) in substances containing less than 60% w/w, of phenols; compounds of phenols with a metal in substances containing less than 60%, w/w, of phenols

Phosphoric acid

Phosphorus compounds, the following:-

Azinphos-methyl

Dialifos

Chlorfenvinphos

Dichlorvos s

Demephion

Dioxathion

Demeton-S-methyl

Disulfoton

Demeton-S-methyl sulphone

Fonofos

Mevinphos

Macarbam

Omethoate

Mephosfolan

Oxydemeton-methyl

Methidathion

Parathion

Phenkapton

Pirimiphos-ethyl

Phorate

Quinalphos

Phosphamidon

Thiometon

Thionazin

Triazophos

Vamidothion

Potassium hydroxide

Sodium hydroxide

Sodium nitrite

Sulphuric acid

Thiofanox

Zinc phosphide

(Source: Poisons List Order 1982)

Appendix 'B'
Poisons to which special restrictions apply (See note 3)

<u>Poison</u>	<u>Poison</u>
Aldicarb	(Hg); potassio-mercuric iodides except substances containing less than the equiv. of 1% of mercuric-iodide; organic compounds of mercury, except substances not being aerosols, containing less than the equiv. of 0.2%, weight in weight of mercury (Hg).
Alpha-chloralose; Except preparations for indoor use, for the destruction of rats and mice, and containing not more than 4% alph-chloralose or 8.5% when contained in a bag or sachet and itself inside a device.	
Arsenic; its compounds, except substances containing less than the equivalent of 0.0075% of arsenic (As)	Methomyl
Barium, salts of other than barium sulphate	Nicotine, its salts; its quaternary compounds, except agricultural and horticultural insecticides consisting of nicotine dusts containing not than 4% w/w of nicotine.
Barium carbonate; Except preparations for the destruction of rats and mice.	Oxamyl
Carbofuran	Paraquat, salts of
Cycloheximide	Phosphorus compounds, the following-
*Dinitroresols (DNOC); their compounds with a metal or a base, except winter washes containing not more than the equivalent of 5% of dinitroresol.	Azinphos-methyl Dialifos Chlorfenvinphos Dichlorvos Demephion Dioxathion Demeton-s-methyl Disulfoton Demeton-S-methyl sulphone
*Dinoseb; its compounds with a metal or a base	Fonofos Mevinphos Mecarbam Omethoate Mephosfolan Oxydemeton-methyl Methidathion Parathion
*Dinoterb	Phenkapton Pirimiphos-ethyl Phorate Quinalphos Phosphamidon Thiometon Thionazin Triazophos Vamidothion
Drazoxolon; its salts	
Endosulfan	
Endothal; its salts	
*Endrin	Thiofanox
Fentin, compounds of	Zinc phosphide; Except preparations for the destruction of rats or mice
*Mercuric chloride, except substances containing less than 1% mercuric chloride. Mercuric iodide, except substances containing less than 2% mercuric iodide;	
nitrate of mercury, except substances containing less than the equiv. of 3% weight in weight of mercury	

(Source: Poisons Rules 1982
Sch. 1 but excluding items not
listed in Part II of the Poisons
List Order 1982)

Appendix 'C' (page 1)

Form to which the poisons specified are restricted when sold by licenced sellers of Part II poisons

<u>Poison</u>	<u>Form to which sale is restricted</u>
Aldicarb	Preparations for use in agriculture, horticulture or forestry
Alpha chloralose	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 alphachloralose, where the preparation is contained in a bag or sachet which itself is attached to the inside of a device in which the PreparationS is intended to be so used and the Device contains not more than 3 grams of the preparation
Arsenic, compounds of :- Calcium arsenites Copper acetoarsenite Copper arsenates Lead arsenates	Agricultural, horticultural and forestry insecticides or fungicides
Barium carbonate	Preparation for the destruction of rats or mice
Carbofuran	Preparations for use in agriculture, horticulture or forestry
Cycloheximide	Preparations for use in forestry
*Dinitroresols (DNOC); their compounds with a metal or a base	Preparations for use in agriculture, horticulture or forestry
*Dinoseb; its compounds with a metal or a base	Preparations for use in agriculture, horticulture or forestry
*Dinoterb	Preparations for use in agriculture, horticulture or forestry
Drazoxolon; its salts	Preparations for use in agriculture, horticulture or forestry
Endosulfan	Preparations for use in agriculture, horticulture or forestry

Appendix 'C' (page 2)

<u>Poison</u>	<u>Form to which sale is restricted</u>
Endothal; its salts	Preparations for use in agriculture, horticulture or forestry
* Endrin	Preparations for use in agriculture, horticulture or forestry
Fentin, compounds of	Preparations for use in agriculture, horticulture or forestry
*Mercuric chloride	Agricultural, horticultural and forestry fungicides,treatments on seeds or bulbs, insecticides
Mercuric iodine	Agricultural, horticultural and forestry fungicides,treatments on seeds or bulbs
Mercury, organic compounds of	Agricultural, horticultural and forestry fungicides,treatments on seeds or bulbs, solutions containing not more than 5% weight, in volume of phenyl mercuric acetate for use in swimming baths.
Metallic oxalates other than potassium quadoxalate	Photographic solutions or materials
Methomyl	Preparation for use in agriculture, horticulture or forestry.
Nitrobenzene	Agricultural, horticultural and forestry insecticides
Oxamyl	Preparations for use in agriculture, horticulture or forestry
Paraquat, salts of	Preparation for use in agriculture, horticulture or forestry

Appendix 'C' (page3)

Poison

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-ethyl
Quinalphos
Thiometon
Thionazin
Triazophos
Vamidothion**

Form to which sale is restricted

Preparations for use in agriculture, horticulture or forestry

Thiofanox

Preparations for use in agriculture, horticulture or forestry

Zinc phosphide

Preparations for the destruction of rats or mice

(Source: Poisons Rules 1982. Schedule 5 Part A)

Appendix 'D' (page 1)

Poisons which may be sold by listed sellers of Part II poison only to persons engaged in the trade or business of agriculture, horticulture, or forestry and for the purpose of that trade or business.

<u>Poison</u>	<u>Poison</u>
Aldicarb	Phosphorus compounds, the following:-
Arsenic, compounds of	Azinphos-methyl
Calcium arsenites	Chlorfenvinphos
Copper acetoarsenite	Demephion
Copper arsenates	Demeton-S-methyl
Copper arsenites	Demeton-S-methyl sulphone
Lead Arsenates	Dialifos
Carbofuran	Dichlorovos
Cycloheximide	Dioxathion
	Disulfoton
	Fonofos
	Mecarbam
	Mephosfolan
	Methidathion
	Mevinphos
	Omethoate
	Oxydemeton-methyl
	Parathion
	Phenkapton
	Phorate
	Phosphamidon
	Primiphos-ethyl
	Quinalphos
	Thiometon
	Thioazin
	Triazophos
	Vamidothion
*Dinitroresols (DNOC); their compounds with a metal or a base, except winter washes containing not more than the equivalent of 5% of dinitroresols.	
*Dinoseb; its compounds with a metal or a base	
*Dinoteb	
Drazoxolol; 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.	Thiofanox
Methomyl	
Oxamyl	
Paraquat; salt of	

(Source: Poisons Rules 1982. Schedule 5 Part B)

Appendix 'E'

Articles exempt from the provisions of the Act and of these Rules

GROUP 1

General Exemptions

Adhesive	Inks
Anti fouling compositions	Lacquer solvents
Builders Materials	Loading Materials
Ceramics	Matches
Cosmetic Products	Medicated animal feeding stuffs
Distempers	Motor fuels and lubricants
Electrical valves	Paints
Enamels	Photographic paper
Explosives	Pigments
Filers	Plastics
Fireworks	Propellants
Fluorescent lamps	Rubber
Flux in any form for use insoldering	Varnishes
Glazes	Vascular plants and their seeds
Glue	

Appendix 'E' (page 2)

GROUP II

Special Exemptions

<u>Poison</u>	<u>Substance or article in which exempted</u>
Ammonia	Substances not being solutions of ammonia or preparations containing solutions of ammonia; substances containing less than 10%, weight in weight, of ammonia (NH ₃); refrigerators
Arsenic, its compounds	Pyrites ores or sulphuric acid containing arsenic or compounds of arsenic as natural impurities; in reagent kits or reagent devices, supplied for medical or veterinary purposes, substances containing less than 0.1% weight in weight, or arsanic acid.
Barium, salts of	Witherite other than finely ground witherite; barium carbonate bonded to charcoal for case hardening; fire extinguishers containing barium chloride; sealed smoke generators containing not more than 25% weight in weight, of barium carbonate
Bromomethane	Fire extinguishers
Carbofuran	Granular preparations
Drazoxolon; its salts	Treatments on seeds
Formaldehyde	Substances containing less than 5%, weight in weight, of formaldehyde (H.CHO); photographic glazing or hardening solutions
Formic Acid	Substances containing less than 25%, weight in weight, of formic acid (H.OOH)
Hydrochloric Acid	Substances containing less than 10% weight in weight of hydrochloric acid (HCl)
Hydrogen cyanide	Preparations of wild cherry; in reagent kits supplied for medical or veterinary purposes, substances containing less than the equivalent of 0.1% weight in weight, of hydrogen cyanide (HCN)

Appendix 'E' (page 3)

<u>Poison</u>	<u>Subject or article in which exempted</u>
Lead acetates	Substances containing less than the equivalent of 2.5% weight in weight, of elemental lead (Pb)
Mercuric chloride	Batteries
Mercuric chloride; mercuric iodide; organic compounds of mercury	Treatments on seeds or bulbs
Mercury, oxides of	Canker and wound paints (for trees) containing not more than 3%, weight in weight, of yellow mercuric oxide
Methomyl	Solid substances containing not more than 1% weight in weight of methomyl
Nicotine, its salts; its quaternary compounds	Tobacco, in cigarettes, the paper of a cigarette (excluding any part of that paper forming part of or surrounding a filter), where that paper in each cigarette does not have more than the equivalent of 10 milligrams of nicotine; preparations in aerosol dispensers containing not more than 0.2% of nicotine, weight in weight, other liquid preparations, and solid preparations with a soap base, containing not more than 7.5% of nicotine, weight in weight.
Nitric Acid	Substances containing less than 20% weight in weight, of nitric acid (HNO ₃)
Nitrobenzene	Substances containing less than 0.1% of nitrobenzene, polishes
Oxalic acid; metallic oxalates	Laundry blue; polishes; cleaning powders or scouring products, containing the equivalent of not more than 10% of oxalic acid dihydrate
Oxamyl	Granular preparations
Paraquat, salts of	Preparations in pellet form containing not more than 5% of salts of paraquat, calculated as paraquat ion

Appendix 'E' (page 4)

<u>Poison</u>	<u>Substance or article in which exempted</u>
Phenols	Creosote obtained from coal tar; liquid disinfectants and antiseptics containing less than 0.5% phenol and containing less than 0.5% of other phenols (as defined in the Poisons List); motor fuel treatments not containing phenol and containing less than 2.5% of other phenols; in reagent kits supplied for medical or veterinary purposes; solid substances containing less than 60% of phenols; tar (coal or wood) crude or refined ; in tar oil distillation fractions containing not more than 5% of phenols; tert-butylcresol; p-tert- butylphenol; p-tert-pentylphenol; p-(1,1,3,3 – tetramethylbutyl) phenol; thymol.
Phenylmercuric salts	Antiseptic dressings on toothbrushes; in textiles containing not more than 0.01% of phenylmercuric salts as a bacteriostat and fungicide.
Phosphoric acid	Substances containing phosphoric acid, not being descaling preparations containing more than 50% w/w of ortho-phosphoric acid.
Phosphorus compounds, the following:- Chlorfenvinphos Dichlorvos	Treatments on seeds; granular preparations. Preparations in aerosol dispensers containing not more than 1% w/w of dichlorvos; materials impregnated with dichlorvos for slow release; granular preparations; ready for use preparations containing not more than 1% weight in volume, of dichlorvos
Disulfoton Fonofos	Granular Preparations Granular Preparations
Oxydemeton - methyl	Aerosol dispensers containing not more than 0.25% w/w of oxydemeton-methyl

Appendix 'E' (page 5)

<u>Poison</u>	<u>Substance or article in which exempt</u>
Parathion	Granular Preparations
Phorate	Granular Preparations
Pirimiphos – ethyl	Treatments on seeds
Thionazin	Granular Preparations
Triazophos	Granular Preparations
Potassium hydroxide	Substances containing the equivalent of less than 17% of total caustic alkalinity expressed as potassium hydroxide; accumulators; batteries.
Sodium fluoride	Substances containing less than 3% of sodium fluoride as a preservative
Sodium hydroxide	Substances containing the equivalent of less than 12% of total caustic alkalinity expressed as sodium hydroxide
Sodium nitrite	Substances other than preparations containing more than 0.1 % of sodium nitrite for the destruction of rats or mice.
Sodium silicofluoride	Substances containing less than 3% of sodium silicofluoride as a preservative
Sulphuric Acid	Substances containing less than 15% w/w, of sulphuric acid (H_2SO_4); accumulators; batteries and sealed containers in sulphuric acid is packed together with car batteries for use in those batteries; fire extinguishers
Thiofanox	Granular Preparations