

## POISONS AMENDMENT BILL

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### EXPLANATORY NOTE

THE main purpose of this Bill is to enable better control to be exercised over certain poisonous substances now being used as insecticides, fungicides, and weed killers in horticulture and agriculture. These poisons are specified in Part II of the new Third Schedule, as set out in the Schedule to this Bill.

*Clause 2:* Under section 3 of the principal Act the lists of poisons in the First, Second, and Fourth Schedules to the Act may be altered by Order in Council. This clause will enable the Third Schedule (which refers to poisons labelled for use in agriculture and horticulture) to be altered in the same way.

*Clause 3:* Under section 9 of the principal Act the holder of a wholesaler's poison licence or of a storekeeper's poison licence may sell by retail any poison referred to in the Third Schedule. This clause amends that section so as to empower him to sell, by retail, only the poisons referred to in Part I of the new Third Schedule; but regulations may be made authorizing him to sell particular poisons referred to in Part II, subject to compliance with the regulations.

*Clause 4:* This clause gives power to make regulations prohibiting the sale, distribution, and use of the poisons referred to in Part II of the new Third Schedule, except by such persons or classes of persons, and upon such conditions, as are specified in the regulations.

*Clause 5* authorizes regulations to be made permitting the sale of certain poisons on the prescription of a dentist or a veterinary surgeon. Section 34 (*g*) of the principal Act at present refers only to prescriptions of medical practitioners. This amendment is retrospective, as the regulations have always permitted sales on prescriptions of dentists and veterinary surgeons.

*Clause 6:* The new Third Schedule provided for by this clause refers, in Part I, to the substances at present referred to in the Third Schedule to the Act (but excluding those in Part II); and, in Part II, to the substances referred to at the beginning of this Note. The effect of the inclusion of the latter substances in Part II is to make them subject to the general provisions of the principal Act relating to sales by licensed or authorized persons, labelling, packing, and records of sales, and to the regulations controlling their sale.

*Hon. Mr. Marshall*

## POISONS AMENDMENT

### ANALYSIS

Title.	4. Power to make regulations restricting sale or use of certain poisons.
1. Short Title.	5. Sales pursuant to prescriptions.
2. Power to vary Third Schedule of principal Act.	6. New Third Schedule to principal Act.
3. Section 9 of principal Act amended.	Schedule.

### A BILL INTITULED

AN ACT to amend the Poisons Act 1934.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority  
5 of the same, as follows:—

1. This Act may be cited as the Poisons Amendment Act 1952, and shall be read together with and deemed part of the Poisons Act 1934 (hereinafter referred to as the principal Act). Short Title.  
1934, No. 18
- 10 2. Section three of the principal Act is hereby amended by inserting, after the word "Second", the word "Third". Power to vary Third Schedule of principal Act.
- 15 3. (1) Section nine of the principal Act is hereby amended by omitting from subsection two (which relates to the poisons that the holder of a wholesaler's poison licence may sell) the words "to sell by retail any poison for the time being included in the Third Schedule hereto", and substituting the words "to sell by retail any poison for the time being included in Part I of the  
20 Third Schedule hereto and such of the poisons for the time being included in Part II of the said Third Schedule as are from time to time prescribed in that behalf by regulations under this Act". Section 9 of principal Act amended.

(2) Section nine of the principal Act is hereby further amended by omitting from subsection three (which relates to the poisons that the holder of a store-keeper's poison licence may sell by retail) the words "the Third Schedule hereto", and substituting the words "Part I of the Third Schedule hereto and such of the poisons for the time being included in Part II of that Schedule as are from time to time prescribed in that behalf by regulations under this Act".

Power to make regulations restricting sale or use of certain poisons. 4. Section thirty-four of the principal Act is hereby amended by adding to paragraph (f) (which relates to the regulation of the sale of poisons) the words "and prohibiting the sale, distribution, and use of any poison for the time being included in Part II of the Third Schedule hereto otherwise than by such persons or classes of persons, and in accordance with such conditions and restrictions, as may be specified in the regulations".

Sales pursuant to prescriptions. 5. The said section thirty-four is hereby further amended, as from the commencement of the principal Act, by adding to paragraph (g) (which relates to prohibitions on the sale of certain poisons except pursuant to prescriptions) the words "dentist, or veterinary surgeon".

New Third Schedule to principal Act. 6. The principal Act is hereby amended by repealing the Third Schedule, and substituting the new Third Schedule set out in the Schedule to this Act.

## SCHEDULE

Schedule  
Section 6

### NEW THIRD SCHEDULE TO PRINCIPAL ACT

#### " THIRD SCHEDULE

##### " PART I

" PREPARATIONS and mixtures of such of the poisons for the time being included in the First and Second Schedules to this Act as are not for the time being included in Part II of this Schedule, if labelled and described as being for use exclusively in agriculture and horticulture for the destruction of animal and insect pests, internal parasites of animals, fungi, or bacteria, or for use as sheep dips or sheep washes or washes for any animal, or for use as weed killers.

##### " PART II

" Nicotine and its salts.  
Selenium and compounds of selenium.  
Organic mercury compounds.  
Organic phosphorus compounds."