

1961/39

THE POISON LICENCES REGULATIONS 1961

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 17th day of April 1961

Present:

THE RIGHT HON. KEITH HOLYOAKE, PRESIDING IN COUNCIL

PURSUANT to the Poisons Act 1960, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Poison Licences Regulations 1961.

Interpretation

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Poisons Act 1960:

“Packer’s poison licence” means a licence to which section 17 (3) of the Act applies:

“Poison” means a substance named in the First Schedule, the Second Schedule, or the Third Schedule to the Poisons (General) Regulations 1937*:

“Poisonous substance” means a substance named in the Fourth Schedule to the Poisons (General) Regulations 1937:

“Retailer’s poison licence” means a licence to which section 17 (2) of the Act applies:

“Wholesaler’s poison licence” means a licence to which section 17 (1) of the Act applies.

*S.R. 1937/197 (Reprinted with Amendments Nos. 1 to 8, S.R. 1952/45)

Amendment No. 9: S.R. 1953/146

Amendment No. 10: (Revoked by S.R. 1960/133)

Amendment No. 11: (Revoked by S.R. 1960/133)

Amendment No. 12: S.R. 1957/16

Amendment No. 13: S.R. 1958/13

Amendment No. 14: S.R. 1960/133

Application for a Licence

3. No person shall apply for a licence or licences in respect of more than one place of business.

4. Every application shall specify the poisons which the applicant wishes to pack or sell and the premises which he proposes to use.

5. If the applicant wishes to hawk any poisons or poisonous substances he shall name those poisons and poisonous substances.

Retailer's Poison Licence

6. Every retailer's poison licence shall be issued subject to the following conditions:

(a) The licensee shall not be authorised to sell any poison named in the First Schedule to the Poisons (General) Regulations 1937:

(b) The licensee shall not be authorised to sell any poison named in the Second Schedule to the Poisons (General) Regulations 1937 unless the District Registrar is satisfied that the premises in respect of which a licence is sought are an open shop and that the premises are 10 miles or more by the nearest practicable route from any open shop at which poisons named in the said Second Schedule may be sold by retail:

Provided that any person who holds a storekeeper's extended poison licence under the Poisons Act 1934 at the date of the passing of these regulations may apply for and be granted and continue to hold a licence in respect of his existing premises which authorises him to sell any poison named in the said Second Schedule even though those premises are less than 10 miles from any open shop at which poisons named in the said Second Schedule may be sold by retail:

(c) The licensee shall not sell any poison except at the premises specified in his licence unless he is authorised by the District Registrar to hawk that poison:

(d) Where the District Registrar authorises the hawking of any poison or poisonous substance the licence shall be subject to the additional conditions set out in regulation 8 of these regulations.

Wholesaler's Poison Licence and Packer's Poison Licence

7. Every wholesaler's poison licence and every packer's poison licence shall be issued subject to the following conditions:

(a) The licensee shall not sell any poison except at the premises specified in the licence unless he is authorised by the District Registrar to hawk that poison:

(b) Where the District Registrar authorises the hawking of any poison or poisonous substance the licence shall be subject to the additional conditions set out in regulation 8 of these regulations.

Additional Conditions

8. The following additional conditions are imposed upon licensees who are authorised to hawk any poison or poisonous substance:

(a) The licensee may hawk only such poisons and poisonous substances as are approved by the District Registrar:

- (b) The licensee shall keep his stocks of the poisons or poisonous substances which he is hawking at such places as are approved by the District Registrar:
- (c) The licensee shall not have in his possession when he is hawking a quantity of poisons or poisonous substances greater than the maximum quantity approved by the District Registrar for that purpose:
- (d) The licensee shall keep his records of sales of poisons at a place approved by the District Registrar:
- (e) The licensee shall, when hawking, sell poisons and poisonous substances only to such persons or class of persons as are approved by the District Registrar.

Certificate as to Character

9. (1) Every application to which this regulation applies shall be accompanied by a certificate signed by a Justice, or by some other responsible person approved by the District Registrar, that the applicant is well known to the person giving the certificate and is of good character and sober habits and is considered by him to be a fit person to be licensed to sell poisons.

(2) The applications to which this regulation applies are:

- (a) Every application for a retailer's poison licence to sell any poison named in the Second Schedule to the Poisons (General) Regulations 1937:
- (b) Every application for a licence which includes an application for authority to hawk any poison or poisonous substance:
- (c) Every application by a licensee for authority to hawk any poison or poisonous substance.

Alterations to Licences

10. Every application for alteration to a licence during its currency shall be accompanied by the licence and shall be made in writing to the District Registrar in the same form and manner as an application for a licence. It shall be clearly endorsed "Application for alteration. Licence number quoting the serial letters and number appearing on the licence which is sought to be altered", and shall be accompanied by the prescribed fee.

11. No licence may be transferred from one person to another.

Furnishing of Additional Information

12. Every applicant for a licence or for alteration to a licence shall, on request, furnish to the District Registrar, or to any officer required to report to the District Registrar, such further information and opportunity to inspect his premises and equipment, as may be necessary for the purposes of section 16 of the Act.

Grant of Licences

13. On being satisfied in respect of all of the matters required by section 16 of the Act the District Registrar shall issue a licence of the type applied for.

14. If the District Registrar is not satisfied that the premises and equipment which the applicant proposes to use are suitable and adequate for the storage, packing, and handling of the poisons or poisonous substances in which it is proposed to deal, or that the applicant is a fit and proper person to hold a licence in respect of those poisons or poisonous substances, but the District Registrar is satisfied in respect of a lesser range or number of poisons or poisonous substances he may, in his discretion and with the consent of the applicant, issue a licence for the packing or for the sale as the case may require of that lesser range or number of poisons or poisonous substances.

15. A licence may be granted subject to such conditions as to segregation in a specified part of the premises as the District Registrar deems necessary to provide separation of poisons or poisonous substances from other articles and to provide adequate supervision and control by the licensee.

Surrender of Licences

16. Every licensee who ceases to sell or to pack poisons or poisonous substances which he is licensed to sell or pack shall within seven days surrender his licence to the District Registrar by whom it was issued, who shall retain it for the remainder of the current licensing period.

Registers

17. The Registrar and every District Registrar shall keep the registers of licences issued by him in a form to be specified by the Registrar.

18. Each register shall be open for inspection at the office where it is kept between the hours of 9 a.m. and 4 p.m. on ordinary days of business.

Forms

19. (1) The forms set out in the First Schedule to these regulations are hereby prescribed as the forms to be used in respect of the several matters to which those forms relate.

(2) Such variations may be made in any form hereby prescribed as the circumstances of any particular case may require.

Fees

20. The fees specified in the Second Schedule to these regulations are hereby prescribed as the fees payable in respect of the several matters specified in that Schedule.

21. On written application by a person whose application has been declined, or who has been issued a licence the fee on application for which is less than the fee paid by him, or who has withdrawn his application before the issue of a licence there shall be repaid to the applicant:

- (a) In the case of the application having been declined or having been withdrawn – one half of the fee paid:
- (b) In the case of the granting of a licence the fee on application for which is less than that on application for the class of licence issued – one half of the difference in fee.

Sales by Retail by Agents and Servants of Chemists

22. (1) Any person who is the agent or servant of a chemist and who is—

- (a) Apprenticed to a chemist;
- (b) A pupil attending a school established under the Pharmacy Act 1939;
- (c) Employed in a hospital under the control of a Hospital Board;
- (d) Employed in a licensed hospital within the meaning of Part V of the Hospitals Act 1957; or
- (e) Employed in a licensed institution within the meaning of the Mental Health Act 1911;

is hereby authorised for the purposes of paragraph (b) of subsection (6) of section 13 of the Act to sell, under the direct personal supervision of his principal or employer, any poison which his principal or employer is lawfully entitled to sell.

(2) Any person who is not authorised to sell poisons under subclause (1) of this regulation and who is the agent or servant of a chemist who carries on business in premises registered as a pharmacy under the Pharmacy Act 1939 is hereby authorised, for the purposes of paragraph (b) of subsection (6) of section 13 of the Act, to sell, under the direct personal supervision of his principal or employer—

- (a) Any poison which his principal or employer is lawfully entitled to sell and which is named in the Second Schedule to the Poisons (General) Regulations 1937 if that poison is ready packed and labelled as a medicine for human use; and
- (b) Any poison which his principal or employer is lawfully entitled to sell and which is named in the First Schedule or in the Second Schedule to the Poisons (General) Regulations 1937 if that poison has been expressly prepared to meet the particular needs of a named customer.

Revocations

23. The Poisons (Licensing) Regulations 1951* and the Poisons (Licensing) Regulations 1951, Amendment No. 1†, are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 19

FORMS

Form 1

APPLICATION FOR A LICENCE UNDER THE POISONS ACT 1960

(Section 15 (1), Poisons Act 1960)

1. Full name of applicant:.....

NOTE—The Act makes no provision for the issue of a licence to an incorporated body. In such a case application is to be made by an employee.

2. Age of applicant:.....

3. Postal address of applicant:.....

*S.R. 1951/44

†S.R. 1954/117

FIRST SCHEDULE—*continued*

4. Firm name under which is carried on the business in respect of which the licence is sought:.....
5. General nature of the business:.....
6. Position of applicant (i.e. “owner”, “manager”, or “employee” of the business, as the case may be):.....
7. Exact address of the place of business in respect of which the licence is sought:.....
- *8. Type of licence applied for:.....
- *9. Poisons which the applicant proposes to sell:.....
10. Poisons and poisonous substances which the applicant proposes to pack:.....
- *11. If the applicant seeks authority to hawk any poison or poisonous substance—
 - (a) The addresses at which the applicant proposes to transfer possession of poisons in sale; or the geographical area within which and the class of premises at which the applicant proposes to transfer possession of poisons in sale:.....
 - (b) The poisons or poisonous substances which it is proposed to hawk:.....
 - (c) The persons or class of persons to whom the applicant proposes to sell:.....
 - (d) The maximum quantity of poisons or poisonous substances which the applicant proposes to transport when selling away from the regular business premises at which stocks are stored:.....
 - (e) The address at which records of sales of poisons are intended to be stored:.....

Application is hereby made for the issue of a Poisons Licence to me in accordance with the above particulars and subject to the Poisons Act 1960 and the regulations thereunder.

Dated this day of 19....

.....
Signature of Applicant.

Received the prescribed fee of

Sub-receiver's Official Receipt No. issued.

....., Sub-receiver.

Forwarded to District Registrar:.....

Date:.....

*NOTE—In the case of an application for a retailer's poison licence to sell any poison named in the Second Schedule to the Poisons (General) Regulations 1937 or for authority to hawk any poison or poisonous substance the application must be accompanied by a certificate signed by a Justice of the Peace, or by some other responsible person approved by the District Registrar, that the applicant is well known to the person giving the certificate and is of good character and sober habits and is considered by him to be a fit person to be licensed to sell poisons.

FIRST SCHEDULE—*continued*

Form 2

WHOLESALER'S POISON LICENCE

(Section 17 (1), Poisons Act 1960)

PURSUANT to the Poisons Act 1960 [*Full name of licensee*] is hereby authorised to sell by wholesale (and for extended purposes) from the day of 19..... until the 31st day of March 19..... the following poisons, namely:

at [*Address of premises*].

The licensee is also authorised to hawk the following poisons and poisonous substances, namely:

This licence is subject to the following conditions:

Dated at this day of 19.....

.....
District Registrar.

Serial Number:.....

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Form 3

RETAILER'S POISON LICENCE

(Section 17 (2), Poisons Act 1960)

PURSUANT to the Poisons Act 1960 [*Full name of licensee*] is hereby authorised to sell by retail from the day of 19..... until the 31st day of March 19..... the following poisons, namely:

at [*Address of premises*].

FIRST SCHEDULE—*continued*

The licensee is also authorised to hawk the following poisons and poisonous substances, namely:

This licence is subject to the following conditions:

Dated at this day of 19.....

.....
District Registrar.

Serial Number:.....

Form 4

PACKER'S POISON LICENCE

(*Section 17 (3), Poisons Act 1960*)

PURSUANT to the Poisons Act 1960 [*Full name of licensee*] is hereby authorised to pack and label and sell by wholesale from the day of 19..... until the 31st day of March 19..... the following poisons and poisonous substances, namely:

at [*Address of premises*].

The licensee is also authorised to hawk the following poisons and poisonous substances, namely:

This licence is subject to the following conditions:

Dated at this day of 19.....

.....
District Registrar.

Serial Number:.....

SECOND SCHEDULE

Reg. 20

FEES

1. The fee payable on any application for a licence shall be the highest of the under-mentioned fees applicable:

	£	s.	d.
For a retailer's poison licence to sell poisons named in Part I of the Third Schedule to the Poisons (General) Regulations 1937 only, and not involving authority to hawk	0	10	0
For a retailer's poison licence to sell poisons named in the said Third Schedule, but no other poisons, and not involving authority to hawk	1	0	0
For a retailer's poison licence to sell poisons named in the Second Schedule to the Poisons (General) Regulations 1937 either solely or together with poisons named in the said Third Schedule, and not involving authority to hawk poisons in the Second Schedule to those regulations	2	10	0
For a packer's poison licence	5	0	0
For a wholesaler's poison licence, not involving authority to hawk any poison named in the First Schedule or the Second Schedule to the Poisons (General) Regulations 1937	2	10	0
For a wholesaler's poison licence involving authority to hawk any poison named in the said First Schedule or the said Second Schedule	5	0	0
For a retailer's poison licence involving authority to hawk poisons named in the Second Schedule to the Poisons (General) Regulations 1937	5	0	0
For a retailer's poison licence involving authority to hawk poisons named in the said Third Schedule	2	10	0

2. The fee payable on any application for alteration of a licence shall be the highest of the under-mentioned fees applicable:

	£	s.	d.
For alteration to a retailer's poison licence or a wholesaler's poison licence	0	10	0
For alteration to a packer's poison licence involving alteration of the items to be packed	0	10	0
For alteration to a packer's poison licence involving alteration of the premises	2	10	0
For alteration to a licence involving authority to hawk poisons	2	10	0

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the procedure for applying for licences under the Poisons Act 1960.

They allow District Registrars to authorise licensees to hawk poisons and poisonous substances.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 April 1961.

These regulations are administered in the Department of Health.