

1963/123



**THE POISON LICENCES REGULATIONS 1961,  
AMENDMENT NO. 1**

—  
BERNARD FERGUSSON, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington this 3rd day of July 1963

Present:  
HIS EXCELLENCY THE GOVERNOR-GENERAL 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.

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**REGULATIONS**

1. (1) These regulations may be cited as the Poison Licences Regulations 1961, Amendment No. 1, and shall be read together with and deemed part of the Poison Licences Regulations 1961\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the twenty-eighth day after the date of their notification in the *Gazette*.

2. The principal regulations are hereby amended by inserting, after regulation 7, the following headings and regulations:

*“Licence to Sell Third Schedule Poisons*

“7A. (1) Any person who is entitled to be granted a retailer’s poison licence and a wholesaler’s poison licence in respect only of poisons named in the Third Schedule to the Poisons (General) Regulations 1937 may be granted a licence in the Form No. 5 in the First Schedule to these regulations.

“(2) The licensee under every such licence shall be deemed to be the holder of both a wholesaler’s poison licence and a retailer’s poison licence authorising him to sell those poisons.

*“Licence to Hawk Poisonous Substances*

“7B. (1) Any person who wishes to obtain only a licence to hawk poisonous substances may make application for such a licence in the Form No. 1 in the First Schedule to these regulations to the District Registrar for the health district in which the premises the applicant proposes to use to store his stocks of poisonous substances are situated.

“(2) A licence to hawk poisonous substances shall authorise the licensee to hawk in person in accordance with the terms of his licence, but not otherwise, any poisonous substance specified in the licence or poisonous substances of any class so specified.

“(3) The provisions of subsection (2) of section 15, and sections 16, 18, and 21 of the Act shall apply, with such modifications as may be necessary, to licences to hawk poisonous substances and to applications for such licences.”

3. Regulation 8 of the principal regulations is hereby amended by inserting, after paragraph (b), the following paragraph:

“(bb) The licensee shall transfer possession of poisons on sale only within a geographical area approved by the District Registrar.”.

4. The principal regulations are hereby further amended by inserting, after regulation 22, the following heading and regulation:

*“Sales of Third Schedule Poisons by Agents and Servants of Holders of  
Retailer’s Poison Licences*

“22A. (1) Any person licensed to sell by retail at specified premises any poisons named in the Third Schedule to the Poisons (General) Regulations 1937 may appoint in writing an agent or servant to sell those poisons on his behalf at the same premises.

“(2) Notwithstanding the provisions of paragraph (c) of subsection (6) of section 13 of the Act, every agent or servant appointed in accordance with the provisions of this regulation is hereby authorised to sell those poisons, whether under the personal supervision of the licensee or not.

“(3) The appointment shall be signed by the licensee personally and shall set out the date on which it is made and the full name of the person appointed.

“(4) The written appointment shall be retained on the premises of the licensee and shall be produced on request at all reasonable times for examination by any officer under the Act or any member of the Police.

“(5) Every such appointment shall be revocable at will.”

5. The First Schedule to the principal regulations is hereby amended—

(a) By revoking Form 2, and substituting the Form 2 set out in the First Schedule to these regulations:

(b) By revoking Form 3, and substituting the Form 3 set out in the First Schedule to these regulations:

(c) By revoking Form 4, and substituting the Form 4 set out in the First Schedule to these regulations:

(d) By adding the Form 5 set out in the First Schedule to these regulations:

(e) By adding the Form 6 set out in the First Schedule to these regulations.

6. The principal regulations are hereby further amended by revoking the Second Schedule, and substituting the Second Schedule set out in the Second Schedule to these regulations.

SCHEDULES

Reg. 5

FIRST SCHEDULE

Form 2

WHOLESALE'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:

Subject to the following conditions:

- (a) The licensee may transfer possession of poisons on sale only within the following geographical area: .....
- (b) The maximum quantity of poisons or poisonous substances which the licensee is permitted to have in his possession when selling away from his regular business premises is as follows: .....
- (c) The only persons or classes of persons to whom the licensee may hawk poisons or poisonous substances are as follows: .....

This licence is also subject to the following conditions:

Dated at ..... this ..... day of ..... 19.....

Serial Number ..... District Registrar.

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:

Subject to the following conditions:

- (a) The licensee may transfer possession of poisons on sale only within the following geographical area: .....
- (b) The maximum quantity of poisons or poisonous substances which the licensee is permitted to have in his possession when selling away from his regular business premises is as follows: .....
- (c) The only persons or classes of persons to whom the licensee may hawk poisons or poisonous substances are as follows: .....

This licence is also subject to the following conditions:

Dated at ..... this ..... day of ..... 19.....

Serial Number .....

.....  
District Registrar.

PACKER'S POISON LICENCE

Form 4

(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:

and in addition, to sell by wholesale the following poisons named in the Third Schedule to the Poisons (General) Regulations 1937, namely:

at [*Address of premises*].

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

FIRST SCHEDULE—*continued*

Subject to the following conditions:

- (a) The licensee may transfer possession of poisons on sale only within the following geographical area: .....
- (b) The maximum quantity of poisons or poisonous substances which the licensee is permitted to have in his possession when selling away from his regular business premises is as follows: .....
- (c) The only persons or classes of persons to whom the licensee may hawk poisons or poisonous substances are as follows: .....

This licence is also subject to the following conditions:

Dated at ..... this ..... day of ..... 19.....

Serial Number ..... District Registrar.

Form 5 LICENCE TO SELL THIRD SCHEDULE POISONS

(Section 17 (1), (2), Poisons Act 1960)

PURSUANT to the Poisons Act 1960 [*Full name of licensee*] is hereby authorised to sell by wholesale (or for extended purposes) or by retail from the ..... day of ..... 19..... until the 31st day of March 19..... the following poisons named in the Third Schedule to the Poisons (General) Regulations 1937, namely:

at [*Address of premises*].

This licence is subject to the following conditions:

Dated at ..... this ..... day of ..... 19.....

Serial Number ..... District Registrar.

Form 6 LICENCE TO HAWK POISONOUS SUBSTANCES

(Section 10 (1), Poisons Act 1960)

PURSUANT to the Poisons Act 1960 [*Full name*] of [*Full address*] is hereby authorised to hawk from the ..... day of ..... 19..... until the 31st day of March 19..... the following poisonous substances, namely:

FIRST SCHEDULE—*continued*

Subject to the following conditions:

- (a) The licensee may transfer possession of poisonous substances on sale only within the following geographical area: .....
- (b) The maximum quantity of poisonous substances which the licensee is permitted to have in his possession when selling away from his regular business premises at which stocks are stored is as follows: .....
- (c) The only persons or classes of persons to whom the licensee may hawk poisonous substances are as follows: .....

This licence is also subject to the following conditions:

Dated at ..... this ..... day of ..... 19.....

Serial Number .....

.....  
District Registrar.

## SECOND SCHEDULE

Reg. 6

## NEW SECOND SCHEDULE TO THE PRINCIPAL REGULATIONS

## "SECOND SCHEDULE

## 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 combined licence to sell by wholesale (or for extended purposes) or by retail 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 or the Seventh 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 or the said Seventh 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

SECOND SCHEDULE—*continued*

	£	s.	d.
For a retailer's poison licence authorising the sale of poisons from specified premises and also involving authority to hawk poisons named in the said Third Schedule .....	2	10	0
For a retailer's poison licence involving authority to hawk poisons named in the said Third Schedule only to commercial users in county areas, including town districts and county towns:			
(a) Where the applicant is the agent or servant of a person who is authorised to hawk poisons .....			No fee
(b) Where the applicant is the agent or servant of a person employing at least one other agent or servant who is authorised to hawk poisons and who holds a licence in respect of which a fee of at least £2 10s. has been paid .....			No fee
(c) In all other cases .....	2	10	0
For a licence to hawk poisonous substances .....			No fee
2. The fee payable on any application for alteration of a licence shall be the highest of the under-mentioned fees applicable:			
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 (except where the licence is a retailer's poison licence involving authority to hawk poisons named in the said Third Schedule only to commercial users in county areas, including town districts and county towns) .....	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 make several amendments to the Poison Licences Regulations 1961.

Regulation 2 provides for the issue of a new form of licence. This licence will authorise the licensee to sell, both by wholesale and by retail, Third Schedule poisons (but no others). Third Schedule poisons are the poisons most commonly sold to farmers.

It also provides for the issue of a licence to hawk poisonous substances. At present only persons licensed to sell poisons may be authorised to hawk poisonous substances.

Regulation 3 provides that the District Registrars are to approve the areas in which licence holders may hawk poisons and poisonous substances.

Regulation 4 allows persons licensed to sell Third Schedule poisons by retail to authorise agents to sell those poisons at the licensee's premises on the licensee's behalf, whether the licensee is present or not.

Regulation 5 prescribes new forms of wholesalers' poison licence, retailers' poison licence, and packers' poison licence. It also prescribes the forms of the new licence to sell Third Schedule poisons and the new licence to hawk poisonous substances.

Regulation 6 substitutes an amended scale of fees. The fee on the licence to sell Third Schedule poisons only, both by wholesale and by retail, is to be £1. No fee is to be payable on a licence to hawk poisonous substances or on a retailer's poison licence which authorises an agent or servant of a licensee, with authority to hawk, to hawk Third Schedule poisons only to commercial users in county areas.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 July 1963.

These regulations are administered in the Department of Health.