



STATUTORY INSTRUMENTS

S.I. No. 511 of 2008

POISONS REGULATIONS 2008

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POISONS REGULATIONS 2008

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POISONS REGULATIONS 2008

The Minister for Health and Children, in exercise of the powers conferred on her by section 14 of the Poisons Act 1961 (No. 12 of 1961) as last amended by section 74 of the Pharmacy Act 2007 (No. 20 of 2007) (as adapted by the Health (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No. 308 of 1997)), after consultation with Comhairle na Nimheanna, hereby makes the following regulations:—

Citation

1. These Regulations may be cited as the Poisons Regulations 2008.

Commencement

2. These Regulations come into operation on the 1st day of December, 2008.

Interpretation

3. (1) In these Regulations—

“Act” means the Poisons Act 1961;

“animal” includes fish and poultry;

“animal remedy” has the meaning assigned to it by section 1(1) of the Animal Remedies Act 1993 (No. 23 of 1993);

“cosmetic product” has the meaning assigned to it by Regulation 4(1) of the European Communities (Cosmetic Products) Regulations 2004 (S.I. No. 870 of 2004);

“food” includes a beverage;

“Health Service Executive” means the body established under section 6 of the Health Act 2004 (No. 42 of 2004);

“local authority” means the council of a county, the corporation of a county or other borough, or the council of an urban district;

“medicinal product” has the meaning assigned to it by section 1(1) of the Irish Medicines Board Act 1995 (No. 29 of 1995) as amended by section 10(c) of the Irish Medicines Board (Miscellaneous Provisions) Act 2006 (No. 3 of 2006);

“registered dentist” means a person registered in the register of dentists established under the Dentists Act 1985 (No. 9 of 1985);

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th December, 2008.*

“registered druggist” means a person registered in the register of druggists established under the Pharmacy Act 2007;

“registered medical practitioner” means a person registered in the register of medical practitioners established under the Medical Practitioners Act 1978 (No. 4 of 1978);

“registered pharmacist” means a person registered in the register of pharmacists established under the Pharmacy Act 2007;

“registered veterinary practitioner” means a person registered in the register of veterinary practitioners under the Veterinary Practice Act 2005 (No. 22 of 2005);

“retail pharmacy business” has the meaning assigned to it by section 2(1) of the Pharmacy Act 2007;

“sale by wholesale” means sale to a person who buys for the purpose of selling again and cognate words shall be construed accordingly;

“sell” includes offering or keeping for sale;

“Society” means the Pharmaceutical Society of Ireland established under section 5 of the Pharmacy Act 2007.

(2) In these Regulations—

- (a) unless the context otherwise requires, any reference to a Regulation or Schedule shall be construed as a reference to a Regulation contained in these Regulations or, as the case may be, to a Schedule thereto and any reference in a Regulation to a paragraph shall be construed as a reference to a paragraph of that Regulation;
- (b) any reference in a Schedule to the percentage of a poison contained in any substance or preparation shall, unless otherwise expressly provided, be construed in the following manner, that is to say, a reference to a substance or preparation containing one per cent (1%) of any poison means—
 - (i) in the case of a solid, that one gramme of the poison is contained in every hundred grammes of the substance or preparation;
 - (ii) in the case of a liquid, that one millilitre of the poison, or, if the poison itself is a solid, one gramme of the poison, is contained in every hundred millilitres of the substance or preparation,

and so in proportion for any greater or lesser percentage.

Substances declared to be poisons

4. The substances set out in Schedule 1 are declared to be poisons for the purposes of these Regulations.

General restrictions on sale of poisons

5. (1) Subject to the provisions of these Regulations, a person shall not in the course of a business sell—

(a) any poison set out in Part 1 of Schedule 1 unless—

- (i) he or she is a person lawfully conducting a retail pharmacy business and the sale is effected by or under the supervision of a registered pharmacist; or
- (ii) he or she is a person referred to in section 18A(3)(a) of the Act (as inserted by section 74(2) of the Pharmacy Act 2007) keeping open shop for the sale of poisons and the shop is personally managed by a registered pharmacist or registered druggist and the sale is effected by or under the supervision of such pharmacist or druggist;

(b) any poison set out in Part 2 of Schedule 1 unless—

- (i) he or she is a person lawfully conducting a retail pharmacy business and the sale is effected by or under the supervision of a registered pharmacist; or
- (ii) he or she is a person referred to in section 18A(3)(a) of the Act (as inserted by section 74(2) of the Pharmacy Act 2007) keeping open shop for the sale of poisons and the shop is personally managed by a registered pharmacist or registered druggist and the sale is effected by or under the supervision of such pharmacist or druggist, or
- (iii) he or she is a person licensed by the Health Service Executive under Regulation 10 in respect of the premises on which the said poison is sold and the sale of any such poison is effected by that person.

(2) A person shall not sell any poison from a travelling shop, vehicle or automatic vending machine.

Labelling of certain poisons

6. (1) Subject to the provisions of these Regulations, a person shall not sell or supply—

- (a) compressed hydrogen cyanide unless the container in which it is sold or supplied is labelled with the word “Poison” and with the words “Warning. This container holds poisonous gas and should only be opened and used by persons having expert knowledge of the precautions to be taken in its use.”;
- (b) salts of paraquat in liquid form for use as a pesticide unless the container in which they are sold or supplied is labelled with the word

“Poison” and with the words “Keep out of the reach of children. Do not re-pack from this container. Destroy container when empty.”.

- (2) This Regulation shall not require the labelling of—
- (a) any transparent cover where the appropriate warning remains visible, or
 - (b) any wrapper, hamper, packing case, crate or other covering used solely for the purpose of transport or delivery.

Keeping of books and records

7. (1) Subject to the provisions of Regulation 14, a poison set out in Schedule 2 shall not be sold to any person unless that person either—

- (a) is certified in writing by a householder in the manner described in paragraph (3), or
- (b) is known by the seller, or by a registered pharmacist or registered druggist in the employment of the seller at the premises where the sale is effected, to be a person to whom the poison may properly be sold.

(2) Subject to the provisions of this Regulation, the seller of any poison set out in Schedule 2 shall not deliver it until—

- (a) he or she has entered or caused to be entered in a book kept for that purpose, in the form set out in Schedule 5—
 - (i) the date of the sale;
 - (ii) the name and address of the purchaser;
 - (iii) where a certificate is given in accordance with paragraph (1)(a), the name and address of the certifying householder;
 - (iv) the name and quantity of the poison sold;
 - (v) the purchaser’s statement as to the purpose for which the poison is required; and
 - (vi) such other particulars as are required in accordance with Schedule 5

and

- (b) the purchaser has signed his or her name to such entry.

(3) (a) A certificate given for the purposes of paragraph (1)(a) shall be in the form and shall contain the particulars set out in Schedule 8.

(b) Such a certificate given by a householder who is not known to the seller of the poison to be a responsible person of good character shall not be a sufficient certificate for the purposes of these Regulations unless it is endorsed in the manner specified in Schedule 8 by a member of the Garda Síochána.

(c) Any certificate given for the purposes of this Regulation shall be retained by the seller on completion of the sale.

(4) Paragraphs (1) and (2) shall apply as respects the supply, otherwise than on sale, of any poison set out in Schedule 2 in like manner as if references in those paragraphs to the sale and seller of poisons respectively included references to the supply and the supplier of poisons.

(5) Subject to paragraph (6), so much of paragraph (2) as requires signature of an entry by a purchaser shall not apply as respects the sale of a poison to a person for the purpose of his or her trade, business or profession where—

(a) the seller has obtained before the completion of the sale an order in writing signed by the purchaser stating the purchaser's name and address, trade, business or profession, the purpose for which the poison is required and the total quantity to be purchased, and

(b) the seller is reasonably satisfied that the signature is that of the person indicated to have signed the order and that that person carries on the trade, business or profession stated in the order, being one in which the poison to be purchased is used, and

(c) the seller inserts in the entry required to be made under paragraph (2)(b) the words “signed order” and a reference number by which the order can be identified.

(6) Where a person represents that he or she urgently requires a poison set out in Schedule 2 for the purposes of his or her trade, business or profession, the seller may, if he or she is reasonably satisfied that the person so requires the poison and is, by reason of some emergency, unable before delivery either to furnish to the seller an order in writing duly signed or to attend and sign the entry in the book, deliver the poison to the purchaser on an undertaking by the purchaser to furnish such an order within 72 hours.

(7) All books kept for the purposes of paragraph (2) shall be preserved for a period of 2 years from the date on which the last entry was made therein and shall be kept readily available for inspection by any member of the Garda Síochána or a person holding a written authorisation for the purposes of Regulation 15.

(8) The provisions of this Regulation shall not apply as respects the sale or supply of any poison by the manufacturer or importer thereof or by a person carrying on a business in the course of which poisons are regularly sold by wholesale where—

- (a) the poison is sold or supplied to a person carrying on a business in the course of which poisons are regularly sold or are regularly used in the manufacture of other products, and
- (b) the seller or supplier is reasonably satisfied that the purchaser requires the poison for the purposes of that business.

(9) The provisions of this Regulation set out in paragraph (2)(b) shall not apply in respect of compounds of fentin.

Restrictions on sales to shopkeepers

8. A person shall not sell a poison by wholesale to a person carrying on a business of shop-keeping unless—

- (a) he or she has reasonable grounds for believing that the purchaser is a person lawfully conducting a retail pharmacy business or is otherwise entitled to sell the poison under and in accordance with Regulation 5(1), or
- (b) he or she has received a statement signed by the purchaser or by a person acting on his or her behalf to the effect that the purchaser requires the poison for the purpose of his or her trade, business or profession and that he or she does not intend to sell the poison on any premises used for or in connection with his or her retail business.

Storage

9. A poison shall not be stored in any retail shop or premises used in connection therewith unless it is stored—

- (a) in a cupboard or drawer reserved solely for the storage of poisons, or
- (b) on a shelf reserved solely for the storage of poisons and no food is kept directly underneath that shelf, or
- (c) in a part of the shop, or premises used in connection therewith, which is partitioned off or otherwise separated from the remainder of the shop or premises—
 - (i) to which customers are not permitted to have access, and
 - (ii) in which no food is kept.

Licensed sellers

10. (1) Subject to the provisions of this Regulation, the Health Service Executive may grant licences to persons proposing to engage in the selling of poisons set out in Part 2 of Schedule 1.

(2) An application for a licence under this Regulation shall be in the form set out in Schedule 6.

(3) A licence granted under this Regulation shall be in the form set out in Schedule 7 and shall only have effect as respects poisons set out in Part 2 of Schedule 1.

(4) A licence under this Regulation shall, unless sooner cancelled or suspended, continue in force for a period of 2 years.

(5) A licence under this Regulation may specify not more than 2 persons who may act as responsible deputies on behalf of the licensee and such persons while so specified and acting in the capacity of deputy shall also be licensed under this Regulation.

(6) A fee of €100 shall be charged by the Health Service Executive in respect of the granting of a licence under this Regulation.

(7) The Health Service Executive may refuse an application for a licence under this Regulation in the case of a person who—

- (a) fails to pay the appropriate fee, or
- (b) is, in the opinion of the Health Service Executive, for any sufficient reason relating to him or her personally, not a fit and proper person to be licensed under this Regulation, or
- (c) has nominated a person to act as his or her responsible deputy, who is not a fit and proper person to be a deputy for the purposes of this Regulation, or
- (d) has applied for a licence in respect of a premises which is not a fit and proper premises as to enable the grant of a licence under this Regulation.

(8) The Health Service Executive may cancel, suspend or restore a licence granted under this Regulation.

(9) The person affected by the decision of the Health Service Executive to refuse an application for or to cancel or suspend a licence under this Regulation may appeal to the Minister and where such an appeal is successful the Health Service Executive shall allow the application or shall not cancel or suspend the licence, as the case may be.

(10) The Health Service Executive shall keep a register of licences granted under this Regulation and any person may, at all reasonable times, on payment of a fee of €10, inspect and make copies of any entry in such register.

(11) For the purposes of paragraph (7), the expression “relating to him or her personally” means, in relation to a corporate body, relating personally to the directors, managers or other officers of the corporate body.

Restrictions on licensed sellers

11. (1) A person shall not, by virtue of being licensed under Regulation 10, sell—

- (a) any poison set out in Part 2 of Schedule 1 which has, since being obtained by him or her, been subject to any form of manipulation, treatment, or processing as a result of which the poison has been exposed;
- (b) any poison set out in the first column of Part 1 of Schedule 4 unless the substance or product sold is one of the substances or products specified opposite the description of the poison in the second column of the said Part 1;
- (c) any poison set out in Part 2 of Schedule 4 unless the purchaser is engaged in the business of agriculture, horticulture or forestry and requires the poison for the purpose of that business.

(2) A person shall not, by virtue of being licensed under Regulation 10, use in connection with the premises to which the licence relates, any title, emblem or description reasonably calculated to suggest that he or she is entitled to sell any poison which he or she is not entitled to sell.

Restriction on sales of strychnine

12. A person shall not sell or supply strychnine, its salts or quaternary compounds, or preparations thereof containing 0.2 per cent or more of strychnine, except—

- (a) to a Department of State, a local authority or the Health Service Executive for the purpose of destruction, or
- (b) to a person or institution concerned with scientific research, education or chemical analysis, for the purpose of such research, education or analysis.

Further restrictions on the sale and supply of certain poisons

13. (1) A person shall not sell or supply fluoroacetic acid, its salts, fluoroacetamide, salts of thallium or zinc phosphide, except to—

- (a) a Department of State, a local authority or the Health Service Executive requiring any such poison for the public service or in connection with the exercise of any statutory powers, functions or duties, or
- (b) a person carrying on a business of pest control for use as a rodenticide.

(2) A person shall not sell or supply potassium arsenites or sodium arsenites.

(3) A person shall not sell or supply calcium cyanide, potassium cyanide or sodium cyanide except to—

- (a) a Department of State, a local authority or the Health Service Executive requiring it for the public service or in connection with the exercise of any statutory powers, functions or duties, or
 - (b) a person who requires it for the purpose of his or her trade, business or profession.
- (4) A person shall not sell or supply chlordane, chlordecone or reserpine, or any of their respective isomeric compounds, for use as a pesticide.
- (5) Nothing in the foregoing provisions of this Regulation shall apply as respects the sale or supply of a substance or product—
- (a) to a person or institution concerned with scientific education, research or chemical analysis, for the purposes of such education, research or analysis, or
 - (b) to be exported to purchasers outside the State, or
 - (c) by way of wholesale dealing.

General and specific exemptions

14. (1) The requirements of these Regulations shall not apply—

- (a) to any poison contained as an ingredient or component in any substance, product or article set out in Part 1 of Schedule 3, or
 - (b) in the case of a poison set out in the first column of Part 2 of that Schedule, to any substance, product or article included in the second column of the said Part 2 opposite the mention of the poison.
- (2) The provisions of Regulation 5 shall not apply as respects—
- (a) the sale of any poison by a person carrying on a business in the course of which poisons are regularly sold either by wholesale or for use by the purchaser thereof in his or her trade, business or profession, where the sale is to—
 - (i) a person who requires the poison for the purpose of his or her profession, or
 - (ii) a person carrying on a business in the course of which poisons are regularly used in the manufacture of other products, or
 - (iii) a Department of State or a local authority or the Health Service Executive, requiring the poison for the public service or in connection with the exercise of any statutory powers, functions or duties, or
 - (iv) a person or institution concerned with scientific education, research or chemical analysis, for the purposes of such education, research or analysis,

or

- (b) the sale by wholesale of any poison by any person in the course of a business carried on by him.

(3) The provisions of Regulations 5, 6 and 8 shall not apply as respects the sale or supply of any poison to be exported to purchasers outside the State.

Enforcement

15. (1) The enforcement and execution of the provisions of these Regulations and the prosecution of offences under section 17 of the Act in relation to these Regulations may be carried out—

- (a) by officers of the Minister,
- (b) by the Council of the Society and its officers,
- (c) as respects the sale or keeping for sale of poisons by persons, not being persons conducting a retail pharmacy business or persons to whom section 18A(3)(a) of the Act refers, by the Health Service Executive and its officers.

(2) The enforcement and execution of the provisions of these Regulations as respects poisons set out in Part 2 of Schedule 1 may be carried out by officers of the Minister for Agriculture, Fisheries and Food.

(3) Subject to paragraphs (4) and (5), any such officer as aforesaid (with, in the case of an officer of the Minister or the Minister for Agriculture, Fisheries and Food, a written authorisation of whichever of those Ministers is appropriate, in the case of an officer of the Society, a written authorisation of the Council of that Society and in the case of an officer of the Health Service Executive, a written authorisation of the Executive) may, at all reasonable times, for the purpose of ascertaining whether or not there is or has been a contravention of these Regulations—

- (a) enter premises of any class or description,
- (b) enter any vehicle or travelling shop,
- (c) inspect any substance which is stored or offered or kept for sale at such premises, vehicle or travelling shop,
- (d) require the production of, and inspect and, if he or she thinks fit, take copies of, any document or of any entry in any book at such premises, vehicle or travelling shop, and
- (e) take (without payment) samples of poisons or of any substances stored, or offered or kept for sale, at such premises, vehicle or travelling shop for test, examination or analysis.

(4) Paragraph (3) shall not apply as respects any of the following premises—

- (a) such part of any premises (not being a shop) as is used by a registered medical practitioner, registered dentist or registered veterinary practitioner for carrying on his or her practice, or
 - (b) a premises used only as a private dwelling.
- (5) (a) So much of paragraph (3) as enables officers of the Society to enter premises of any class or description, shall not apply as respects any of the following premises—
- (i) a hospital, nursing home, clinic or similar institution;
 - (ii) the premises of a manufacturer of a poison or a person carrying on a business in the course of which poisons are regularly sold only either by wholesale or for use by the purchaser thereof in his or her trade, business or profession;
 - (iii) a premises in respect of which a licence under Regulation 10 is in force.
- (b) So much of paragraph (3) as enables officers of the Health Service Executive to enter premises of any class or description, shall not apply as respects any of the following premises—
- (i) the premises of a manufacturer of a poison or a person carrying on a business in the course of which poisons are regularly sold only either by wholesale or for use by the purchaser thereof in his or her trade, business or profession;
 - (ii) the premises of a person conducting a retail pharmacy business.

Evidence of result of test, examination or analysis

16. (1) In any proceedings for an offence under section 17 of the Act, a certificate signed by—

- (a) either—
 - (i) the State Chemist, or
 - (ii) another chemist employed or engaged at the State Laboratory and authorised by the State Chemist to sign the certificate, or
- (b) either—
 - (i) a public analyst appointed under section 10 of the Sale of Food and Drugs Act 1875, or
 - (ii) another analyst authorised by such a public analyst to sign the certificate, or
- (c) a chemist or analyst appointed by the Council of the Society for that purpose,

stating the result of any test, examination or analysis of a sample shall, with regard to that sample, be evidence of the matters stated in the certificate unless the contrary is proved.

(2) The certificate referred to in paragraph (1) shall be in the form set out in Schedule 9.

Transitional provisions

17. (1) Any books required to be kept under Regulation 8(2) of the Poisons Regulations 1982 (S.I. No. 188 of 1982), shall for the purposes of Regulation 7(7) be regarded as books that had been required to be kept under Regulation 7(2).

(2) Any licence granted under Regulation 14 of the Poisons Regulations 1982, on foot of an application made using the form set out in Part A of the Tenth Schedule to those Regulations, and in force on the coming into operation of these Regulations, shall continue in force until the expiry of such licence as if granted under Regulation 10.

(3) Any application made under Regulation 14 of the Poisons Regulations 1982 using the form set out in Part A of the Tenth Schedule to those Regulations, and which had not been determined on the coming into operation of these Regulations, shall be considered as if it were an application made under Regulation 10.

Revocation

18. The following are revoked:

- (a) the Poisons Regulations 1982,
- (b) the Poisons (Amendment) Regulations 1983 (S.I. No. 51 of 1983),
- (c) the Poisons (Amendment) Regulations 1984 (S.I. No. 349 of 1984),
- (d) the Poisons (Amendment) Regulations 1986 (S.I. No. 424 of 1986),
- (e) the Poisons (Amendment) Regulations 1991 (S.I. No. 353 of 1991),
and
- (f) the Poisons (Amendment) Regulations 2003 (S.I. No. 351 of 2003).

SCHEDULE 1

LIST OF SUBSTANCES DECLARED TO BE POISONS

Part 1

LIST OF SUBSTANCES DECLARED TO BE POISONS WHICH MAY ONLY BE SOLD BY OR UNDER THE SUPERVISION OF A REGISTERED PHARMACIST OR REGISTERED DRUGGIST

Aluminium phosphide
 Amyl nitrite and other alkyl nitrites
 Antimony, organic compounds of
 Arsenic; its compounds other than those specified in Part 2 of this Schedule
 Barium, salts of, other than barium sulphate and the salts of barium specified in Part 2 of this Schedule
 Bromomethane
 Chloroform
 Chloropicrin
 Cyclohexyl nitrite
 Fluoroacetic acid; its salts; fluoroacetamide
 Hydrogen cyanide; metal cyanides, other than ferrocyanides and ferricyanides
 Lead acetates; compounds of lead with acids from fixed oils
 Magnesium phosphide
 Mercury, compounds of, the following:
 nitrates of mercury; oxides of mercury; mercuric cyanide oxides; mercuric thiocyanate; ammonium mercuric chlorides; potassium mercuric iodides; organic compounds of mercury which contain a methyl group directly linked to the mercury atom
 Nux Vomica, the dried ripe seeds of *Strychnos nux-vomica* L.
 Organochlorine compounds, the following; their isomers:
 Aldrin, Chlordane, Chlordecone, Dieldrin, DDT
 Oxalic acid
 Phenols (Phenol; phenolic isomers of the following — cresols, xylenols, monoethylphenols) other than those substances specified in Part 2 of this Schedule; compounds of phenols with a metal other than those substances specified in Part 2 of this Schedule
 Phosphorus, yellow
 Reserpine
 Strychnine; its salts; its quaternary compounds
 Thallium, salts of

*Part 2*LIST OF SUBSTANCES DECLARED TO BE POISONS WHICH MAY ALSO BE SOLD BY
LICENSED SELLERS

Aldicarb
 Alpha-chloralose
 Ammonia
 Arsenic, compounds of, the following:—
 Calcium arsenites
 Copper acetoarsenite
 Copper arsenates
 Copper arsenites
 Lead arsenates
 Barium, salts of, the following:—
 Barium carbonate
 Barium silicofluoride
 Carbofuran
 Cycloheximide
 Dinitroresols (DNOC); their compounds with a metal or a base
 Dinoseb; its compounds with a metal or a base
 Dinoterb
 Drazoxolon; its salts
 Endosulfan
 Endothal; its salts
 Endrin
 Fenaminosulf
 Fenazaflor
 Fentin, compounds of
 Formaldehyde
 Formic acid
 Hydrochloric acid
 Hydrofluoric acid; alkali metal bifluorides; ammonium bifluoride; alkali metal
 fluorides; ammonium fluoride; sodium silicofluoride
 Mercuric chloride; mercuric iodide; organic compounds of mercury except com-
 pounds which contain 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 this Schedule) in substances containing less than
 60%, mass in mass, of phenols; compounds of phenols with a metal in sub-
 stances containing less than the equivalent of 60%, mass in mass, of phenols
 Phosphoric acid

Phosphorus compounds, the following:—

Azinphos-methyl, chlorfenvinphos, demephion, demeton-S-methyl, demeton-S-methyl-sulphone, dialifos, dichlorvos, dioxathion, disulfoton, fonofos, mecarbarn, mephosfolan, methidathion, mevinphos, omethoate, oxydemeton-methyl, parathion, phenkapton, phorate, phosphamidon, pirimiphos-ethyl, quinalphos, schradan, sulfotep, thiometon, thionazin, triazophos, vamidothion

Potassium hydroxide

Sodium hydroxide

Sodium nitrite

Sulphuric acid

Thiofanox

Zinc phosphide.

SCHEDULE 2

Regulation 7

POISONS TO WHICH RECORD-KEEPING REQUIREMENTS APPLY

Aldicarb
 Alpha-Chloralose other than preparations thereof specified in Part 1 of Schedule 4
 Aluminium phosphide
 Antimonial poisons except substances containing less than the equivalent of 1% of antimony trioxide
 Arsenic; its compounds; except substances containing less than the equivalent of 0.0075 % of arsenic (As)
 Barium, salts of (other than barium sulphate)
 Bromomethane
 Chloropicrin
 Cycloheximide
 Dinitrocresols (DNOC); their compounds with a metal or a base; except winter washes containing not more than the equivalent of 5%, of dinitrocresols
 Dinoseb; its compounds with a metal or a base
 Dinoterb
 Drazoxolon; its salts
 Endosulfan
 Endothal; its salts
 Endrin
 Fenaminosulf
 Fenazaflor
 Fentin, compounds of
 Fluoroacetic acid; its salts; fluoroacetamide
 Hydrogen cyanide; metal cyanides, other than ferrocyanides and ferricyanides
 Lead, compounds of, with acids from fixed oils
 Mercuric chloride except substances containing less than 1% of mercuric chloride; mercuric iodide except substances containing less than 2% of mercuric iodide; nitrates of mercury except substances containing less than the equivalent of 3%, mass in mass, of mercury (Hg); potassium mercuric iodides except substances containing less than the equivalent of 1% of mercuric iodide; organic compounds of mercury except substances, not being aerosols, containing less than the equivalent of 0.2%, mass in mass, of mercury (Hg)
 Methomyl
 Paraquat, salts of
 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, schradan, sulfotep, thiometon, thionazin, triazophos, vamidothion
 Strychnine; its salts; its quaternary compounds; except substances containing less than 0.2% of strychnine
 Thallium, salts of
 Thiofanox
 Zinc phosphide.

SCHEDULE 3

GENERAL AND SPECIFIC EXEMPTIONS

Part 1

GENERAL EXEMPTIONS

Adhesives; animal feedingstuffs (including medicated animal feedingstuffs) and premixes therefor; animal remedies; 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; medicinal products; matches; motor fuels and lubricants; paints; photographic paper; pigments; plastics; propellants; rubber; varnishes; vascular plants and their seeds (not being *Nux Vomica*).

Part 2

SPECIFIC EXEMPTIONS

Poison	Substance or product in which exempted
Ammonia	Substances not being solutions of ammonia or preparations containing solutions of ammonia; substances containing less than 10%, mass in mass, of ammonia (NH ₃); refrigerators; smelling bottles.
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%, mass in mass, of 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%, mass in mass, of barium carbonate.
Bromomethane	Fire extinguishers.
Carbofuran	Granular preparations
Drazoxolon; its salts	Treatments on seeds.
Formaldehyde	Substances containing less than 5%, mass in mass, of formaldehyde (H.CHO); photographic glazing or hardening solutions.
Formic acid	Substances containing less than 25%, mass in mass, of formic acid (H.COOH).
Hydrochloric acid	Substances containing less than 10%, mass in mass, 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%, mass in mass, of hydrogen cyanide (HCN).

Poison	Substance or product in which exempted
Lead acetate	Substances containing less than the equivalent of 2.5%, mass in mass, of elemental lead (Pb).
Mercuric chloride	Batteries; dressings on seeds or bulbs.
Mercuric chloride; mercuric iodine; organic compounds of mercury	Treatments on seeds and bulbs
Mercury, oxides of	Canker and wound paints (for trees) containing not more than 3%, mass in mass, of yellow mercuric oxide
Methomyl	Solid substances containing not more than 1%, mass in mass, of methomyl
Nitric acid	Substances containing less than 20%, mass in mass, of nitric acid (HNO ₃)
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 contain more than the equivalent of 10 milligrams of nicotine; preparations in aerosol dispensers containing not more than 0.2% of nicotine, mass in mass; other liquid preparations, and solid preparations with a soap base, containing not more than 7.5% of nicotine, mass in mass
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 granular or pellet form containing not more than 5% of salts of paraquat calculated as paraquat ion
Phenols	Creosote obtained from coal tar; Liquid disinfectants and antiseptics containing less than 5% of phenols as defined in Schedule 1; 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
Phenyl mercuric salts	Antiseptic dressings on toothbrushes; in textiles containing not more than 0.01% of phenyl mercuric salts as a bacteriostat and fungicide.
Phosphoric acid	Substances containing phosphoric acid, not being descaling preparations for household use containing more than 50%, mass in mass, of ortho-phosphoric acid.
Phosphorus compounds, the following:-	
Chlorfenvinphos	Treatments on seeds; granular preparations
Dichlorvos	Preparations in aerosol dispensers containing not more than 1%, mass in mass, of dichlorvos; materials impregnated with dichlorvos for slow release; granular preparations; ready for use liquid preparations containing not more than 1% mass in volume, of dichlorvos

Poison	Substance or product in which exempted
Disulfoton	Granular preparations
Fonofos	Granular preparations
Oxydemeton-methyl	Aerosol dispensers containing not more than 0.25%, mass in mass, of oxydemeton-methyl
Parathion	Granular preparations
Phorate	Granular preparations
Pirimiphos-ethyl	Treatments on seeds.
Thionazin	Granular preparations
Thiazophos	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%, mass in mass, of sulphuric acid (H_2SO_4); accumulators; batteries and sealed containers in which sulphuric acid is packed together with car batteries for use in those batteries; fire extinguishers
Thiofanox	Granular preparations

In Part 2 of this Schedule the expression “granular preparation” in relation to a poison means a preparation—

- (a) which consists of absorbent mineral or synthetic solid particles impregnated with the poison, the size of the particles being such that not more than 4%, mass in mass, of the preparation is capable of passing a sieve with a mesh of 250 microns, and not more than 1% a sieve with a mesh of 150 microns;
- (b) which has an apparent density of not less than 0.4 grammes per millilitre if compacted without pressure; and
- (c) not more than 12% of which, mass in mass, consists of one or more poisons in respect of which an exemption is conferred by this Schedule in relation to granular preparations.

SCHEDULE 4

Regulation 11

RESTRICTIONS ON LICENSED SELLERS

*Part 1*FORM TO WHICH THE POISONS SPECIFIED ARE RESTRICTED WHEN SOLD BY
PERSONS LICENSED UNDER REGULATION 10.

Poison	Form to which sale is restricted
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%, mass in mass, of alpha-chloralose; preparations intended for indoor use in the destruction of rats or mice and containing not more than 8.5%, mass in mass, of alpha-chloralose, where the preparation is contained in a bag or sachet which is itself attached to the inside of a device in which the preparation is intended to be so used and the device contains not more than 3 grammes of the preparation
Arsenic, compounds of, the following:—	
Calcium arsenites	Agricultural, horticultural and forestal insecticides or fungicides
Copper acetoarsenite	Agricultural, horticultural and forestal insecticides or fungicides
Copper arsenates	Agricultural, horticultural and forestal insecticides or fungicides
Copper arsenites	Agricultural, horticultural and forestal insecticides or fungicides
Lead arsenates	Agricultural, horticultural and forestal insecticides or fungicides
Barium carbonate	Preparations for the destruction of rats or mice
Carbofuran	Preparations for use in agriculture, horticulture or forestry
Cycloheximide	Preparations for use in forestry
Dinitrocresols (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
Endothal; its salts	Preparations for use in agriculture, horticulture or forestry
Endrin	Preparations for use in agriculture, horticulture or forestry
Fenaminosulf	Preparations for use in agriculture, horticulture or forestry
Fenazaflor	Preparations for use in agriculture, horticulture or forestry

Poison	Form to which sale is restricted
Fentin, compounds of	Preparations for use in agriculture, horticulture or forestry
Mercuric chloride	Agricultural, horticultural and forestal fungicides, seed and bulb dressings, insecticides
Mercuric iodide	Agricultural, horticultural and forestal fungicides, treatments on seeds or bulbs
Mercury, organic compounds of	Agricultural, horticultural and forestal fungicides, treatments on seeds or bulbs, solutions containing not more than 5% mass in volume, of phenyl mercuric acetate for use in swimming baths
Metallic oxalates other than potassium quadroxalate	Photographic solutions or materials
Methomyl	Preparations for use in agriculture, horticulture or forestry
Nitrobenzene	Agricultural, horticultural and forestal insecticides
Oxamyl	Preparations for use in agriculture, horticulture or forestry
Paraquat, salts of	Preparations for use in agriculture, horticulture or forestry
Phosphorus compounds, the following:— Azinphos-methyl Chlorfenvinphos Demephion Demeton-S-methyl Demeton-S-methylsulphone Dialifos Dichlorvos Dioxathion Disulfoton Fonofos Mecarbam Mephosfolan Methidathion Mevinphos Omethoate Oxydemeton-methyl Parathion Phenkapton Phorate Phosphamidon Pirimiphos-ethyl Quinalphos Sulfotep Thiometon Thionazin Triazophos Vamidothion	Preparations for use in agriculture, horticulture or forestry
Zinc phosphide	Preparations for the destruction of rats or mice

Part 2

POISONS WHICH MAY BE SOLD BY PERSONS LICENSED UNDER REGULATION 10
ONLY TO PERSONS ENGAGED IN THE BUSINESS OF AGRICULTURE, HORTICULTURE
OR FORESTRY AND FOR THE PURPOSE OF THAT BUSINESS

Aldicarb

Arsenic, compounds of, the following:—

Calcium arsenites

Copper acetoarsenites

Copper arsenates

Copper arsenites

Lead arsenates

Carbofuran

Cycloheximide

Dinitrocresols (DNOC); their compounds with a metal or a base; except winter washes containing not more than the equivalent of 5% of dinitrocresols

Dinoseb; its compounds with a metal or a base

Dinoterb

Drazoxolon; its salts

Endosulphan

Endothal; its salts

Endrin

Fenaminosulf

Fenazaflor

Fentin, compounds of

Mercuric chloride; mercuric iodide; organic compounds of mercury, except solutions containing not more than 5%, mass in volume, of phenyl mercuric acetate for use in swimming baths

Methomyl

Oxamyl

Paraquat, salts of

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
Sulfotep
Thiometon
Thionazin
Triazophos
Vamidothion
Thiofanox

SCHEDULE 6

FORM OF APPLICATION FOR A LICENCE UNDER REGULATION 10

Poisons Regulations 2008 (S.I. No. of 2008)
Application for a licence to sell certain poisons set out in Part 2 of Schedule 1 to the Regulations
<p>To the Health Service Executive</p> <p>I⁽¹⁾..... trading as⁽²⁾.....</p> <p>.....</p> <p>hereby apply for a licence in respect of the following premises namely⁽³⁾</p> <p>.....</p> <p>.....</p> <p>I hereby nominate⁽⁴⁾.....</p> <p>to act as my responsible deputy(ies) for the purpose of Regulation 10(5) of the said Regulations.</p> <p>Signature of applicant.....</p> <p>Date.....</p>
<p><i>Notes;</i></p> <p>⁽¹⁾ Here insert name of applicant.</p> <p>⁽²⁾ Here insert the name or trading style of the business or enterprise.</p> <p>⁽³⁾ Here insert address of premises in respect of which licence is sought. A separate application and licence are required in respect of each premises.</p> <p>⁽⁴⁾ If so desired insert the name/s of proposed deputy/ies (not more than 2).</p>

SCHEDULE 7

Regulation 10(3)

FORM OF LICENCE UNDER REGULATION 10

	Licence No.....
	Reference.....
Health Service Executive	
Poisons Regulations 2008 (S.I. No. of 2008)	
Licence to sell certain poisons set out in Part 2 of Schedule 1 to the Regulations	
<p>The Health Service Executive hereby grants to.....</p> <p>a licence under Regulation 10 of the Poisons Regulations 2008, in respect of the following premises namely.....</p> <p>.....</p> <p>The following person(s) is/are hereby specified as responsible deputy(ies) for the purpose of Regulation 10(5) of the said Regulations.....</p> <p>.....</p> <p>This licence shall, unless sooner cancelled or suspended, continue in force until the last day of..... 20.....</p> <p>Signed on behalf of the Executive.</p> <p>.....</p> <p>Date.....</p>	

SCHEDULE 8

FORM OF CERTIFICATE FOR THE PURCHASE OF A POISON
REQUIRED UNDER REGULATION 7

Poisons Regulations 2008 (S.I. No. of 2008)	
For the purposes of Regulation 7 of the Poisons Regulations 2008, I, the undersigned, being a householder occupying ⁽¹⁾	
hereby certify from my knowledge of ⁽²⁾ of ⁽¹⁾ that he or she is a person to whom ⁽³⁾ may properly be supplied.	
I further certify that ⁽⁴⁾ is the signature of the said ⁽²⁾	
..... Signature of householder giving certificate Date.....	
<i>Notes:</i> ⁽¹⁾ Insert full postal address. ⁽²⁾ Insert full name of intending purchaser. ⁽³⁾ Insert name of poison. ⁽⁴⁾ Intending purchaser to sign his or her name here.	
Endorsement required to be made by a member of the Garda Síochána when the householder giving the certificate is not known to the seller of the poison to be a responsible person of good character.	
I hereby certify, in so far as is known to the Gardaí of the district in which **.....resides, that he or she is a responsible person of good character.	
Office Stamp of Garda Station	Signature of Garda..... Rank..... Date.....
** <i>Insert full name of householder giving the certificate.</i>	

SCHEDULE 9

Regulation 16

FORM OF CERTIFICATE STATING RESULTS OF TEST,
EXAMINATION OR ANALYSIS

Poisons Regulations 2008
(S.I. No. of 2008)

CERTIFICATE STATING RESULTS OF TEST, EXAMINATION OR ANALYSIS

This Certificate is issued by me, the undersigned, for the purpose of Regulation 16 of the
Poisons Regulations 2008, being⁽¹⁾

I hereby certify that I received on the..... day of.....20.....
from⁽²⁾..... of.....

a sample of⁽³⁾.....for test, examination or analysis; which was undamaged,
duly sealed and marked⁽⁴⁾

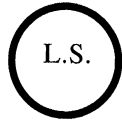
I further certify that the said sample has been tested, examined or analysed by me or under
my direction and that the results are as follows:— ⁽⁵⁾

Signature..... Date.....

Address.....

NOTES:

- (1) Here insert official title of person signing the certificate.
- (2) Here insert the name of the sampling officer or agent who submitted the sample for analysis.
- (3) Here insert the name or description of the substance or product.
- (4) Here insert the distinguishing mark on the sample and the date of sampling shown thereon.
- (5) Here insert the relevant results as appropriate.



GIVEN under the Official Seal of the Minister for Health and
Children
1 December 2008

MARY HARNEY,
Minister for Health and Children.

In accordance with section 14 of the Act, the Minister for Agriculture,
Fisheries and Food (as adapted by the Agriculture and Food (Alteration of
Name of Department and Title of Minister) Order 2007 (S.I. No. 705 of 2007))
hereby consents to the enforcement and execution by his officers of the pro-
visions of these Regulations as respects poisons set out in Part 2 of Schedule 1.

GIVEN under the Official Seal of the Minister for Agriculture,
Fisheries and Food
1 December 2008

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations consolidate and replace the Poisons Regulations 1982 (S.I. No. 188 of 1982) (as amended). Unlike the 1982 Regulations, they do not have effect in respect of animal remedies, medicinal products (for human use) and cosmetic products, as each of these product categories are now controlled as such products in their own right.

These Regulations provide that the retail sale of certain poisons (i.e. those specified in Part 1 of Schedule 1) may only take place at retail pharmacies by or under the supervision of registered pharmacists. The Regulations also provide that certain other poisons (i.e. those specified in Part 2 of Schedule 1) may be sold by retail outlets licensed for that purpose, as well as through pharmacies. These latter poisons are intended mainly for use by persons engaged in the business of agriculture, horticulture and forestry.

While the general requirement in respect of labelling has been omitted on the basis that such has already been provided for in separate Regulations, the requirements in relation to the labelling of certain poisons such as compressed hydrogen cyanide and salts of paraquat in liquid form are being continued. The Regulations also continue the prohibition on the sale or supply of strychnine except in very limited circumstances. Specific requirements in regard to record-keeping in respect of certain poisons (i.e. those in Schedule 2) are also laid down.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834/37 nó 1890 213434; Fax: 01 - 6476843 nó 094 - 9378964)
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