

9. This Order may be cited as The Petty Sessions Clerks' Salaries Order (Northern Ireland), 1928.

Given at Government House, Hillsborough, County Down,
this 9th day of August, 1928.

BY HIS GRACE'S COMMAND.

(Signed) *R. Dawson Bates.*

PHARMACY AND POISONS.

THE POISONS AND PHARMACY (NORTHERN IRELAND) REGULATIONS, 1928.

1928. No. 119.

BY THE GOVERNOR AND PRIVY COUNCIL IN NORTHERN IRELAND.

ABERCORN.

WHEREAS it is enacted by Section 2 of the Poisons and Pharmacy Act, 1908, as amended by an Order of His Majesty's Privy Council in Ireland dated the 29th day of June, 1917, the Government of Ireland Act, 1920, the Irish Free State (Consequential Provisions) Act, 1922, and Section 24 of the Pharmacy and Poisons Act (Northern Ireland), 1925, that so much of the Pharmacy and Poisons Act (Northern Ireland), 1925, as makes it an offence for any person to sell or keep open shop for the sale of poisons, unless he is a duly registered pharmaceutical chemist, or chemist and druggist, or registered druggist shall not apply in the case of poisonous substances to be used exclusively in agriculture or horticulture for the destruction of insects, fungi, or bacteria, or as sheep-dips or weedkillers which are poisonous by reason of their containing arsenic, tobacco, or the alkaloids of tobacco, or by reason of their containing any liquid preparation of carbolic acid and its homologues, provided that such poisonous substance shall be contained in a closed vessel distinctly labelled with the word "poisonous" and the name and address of the seller and a notice of the special purpose for which such preparations are intended, if the person so selling or keeping open shop is duly licensed for the purpose by a local authority and conforms to any regulations as to the keeping, transporting and selling of poisons made under this Section, but nothing in this Section shall exempt any person so licensed from the requirements of any other provision relating to poisons of the Pharmacy and Poisons Act (Northern Ireland), 1925, or of the Arsenic Act, 1851; and that

the Governor of Northern Ireland may, by Order in Council, make regulations as to—

- (a) The granting of licences under the said Section 2 ;
- (b) The duration, renewal, revocation, suspension, extent and production of such licences ;
- (c) The keeping, inspection and copying of registers of licences ;
- (d) The fees to be charged for licences and for inspection and copying of registers ;
- (e) The keeping, transporting and selling of the poisonous substances to which the said Section 2 applies ; and generally for the purpose of carrying the said Section 2 into effect ;
- (f) The giving of notice to the Society and to the Minister of Home Affairs of applications for licences, and of the time when the application is to be taken into consideration ;
- (g) The sending of copies of or extracts from registers of licences to the Registrar ;

And whereas His Majesty's Privy Council in Northern Ireland, by Order dated the 6th day of May, 1926, in pursuance of the powers vested in them by the Poisons and Pharmacy Act, 1908, made Regulations for the purpose of carrying Section 2 of the said Act into effect ;

Now I, James Albert Edward, Duke of Abercorn, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of St. Patrick, Governor of Northern Ireland, by and with the advice and consent of His Majesty's Privy Council in Northern Ireland and by virtue of the powers vested in Me by the said recited enactments, and by all other powers Me thereunto enabling hereby revoke the said Regulations made on the 6th day of May, 1926, and I, by virtue and in pursuance of the powers vested in Me by the Poisons and Pharmacy Act, 1908, and the Pharmacy and Poisons Act (Northern Ireland), 1925, and all other powers Me thereunto enabling do hereby make the Regulations in the Schedule hereto for the purpose of carrying Section 2 of the Poisons and Pharmacy Act, 1908, as so amended, into effect.

Given at the Council Chamber, Government House, Hillsborough, this Sixth day of November, 1928.

By His Grace's Command,

Craigavon.
R. Dawson Bates.
John M. Andrews.
J. Milne Barbour.
A. B. Babington.

(SCHEDULE REFERRED TO IN THE FOREGOING ORDER.)

REGULATIONS UNDER THE POISONS AND PHARMACY ACT, 1908.

Order of the Privy Council of Northern Ireland.

1. A licence shall not be granted to any person unless the local authority are satisfied that he is fit, by education and intelligence, to be entrusted with the sale of the poisonous substances, and has made suitable provision for the separate storage of the same in a distinct and separate part of the shop or building where he proposes to sell the same.

2. When an order has been made by the Minister of Home Affairs revoking a licence, the local authority shall not grant a licence for the same premises without first obtaining written permission from the said Minister.

3. In granting licences for the sale of poisonous substances for use exclusively in horticulture, preference shall be given to nurserymen, florists, seedsmen, and other persons whose business is specially connected with horticulture.

4. No licence, for the sale of poisonous substances shall be granted :—

- (a) to any person who is illiterate ;
- (b) to any person who is under the age of 21 years.

5. A licence shall not authorise the licensee to sell or keep open shop for the sale of poisonous substances except from or on premises to be specified in the licence within the area of the local authority which granted it.

6. Applications for licences shall be in the form set forth in Schedule A. to these Regulations.

7. Before sending an application for a licence to the local authority, the applicant shall send notice to the Police authority for the Division or District in which the shop or building is situate in which the applicant intends to carry on the sale of poisonous substances of his intention to make the application. Such notice shall be in the form set forth in Schedule B. to these Regulations.

8. The local authority on receipt of an application for a licence shall immediately notify the Secretary of the Pharmaceutical Society of Northern Ireland. Such notice shall be in the form set forth in Schedule C. to these Regulations.

9. The local authority on granting a licence shall immediately notify the Minister of Home Affairs and the Secretary of the Pharmaceutical Society of Northern Ireland. Such notices shall be in the form set forth in Schedule D. to these Regulations.

10. A licence shall not be granted until after the expiration of at least 21 days from the receipt of the application by the local authority, and the local authority, before granting a licence shall take into consideration whether, in the neighbourhood where the applicant for the licence carries on, or intends to carry on, business, the reasonable requirements of the public with respect to the purchase of poisonous substances are satisfied, and also any objections they may have received from or on behalf of the Pharmaceutical Society of Northern Ireland or the Police authority to whom notice shall have been given.

11. A licence shall be in the form set forth in Schedule E. to these Regulations.

12. A licence shall, unless revoked or suspended under Regulation No. 16, or revoked by the Minister of Home Affairs, continue in force for one year.

13. The fee charged in respect of the grant of a licence shall be 10/—.

14. Every local authority shall keep a register of the licences granted by them for the time being in force, and any person shall, at all reasonable times, upon payment of the fee of 1/—, be entitled to inspect, and to make copies of, or to take extracts from, the Register.

15. Every local authority shall, at the request of the Registrar of the Pharmaceutical Society of Northern Ireland, supply him, free of charge, with such copies of, or extracts from, the Register as he may from time to time require.

16. A licence may be revoked or suspended for such term as the local authority think fit, if the local authority are satisfied that the licensee has failed to comply with the requirements of these Regulations, or of the Arsenic Act, 1851, or of the Poisons (Ireland) Act, 1870, as amended by Section 5 of the Dangerous Drugs and Poisons (Amendment) Act (Northern Ireland), 1924, and by Section 24 of the Pharmacy and Poisons Act (Northern Ireland), 1925, so far as the same may be applicable, or that the licensee is not a fit person to be entrusted with the sale of poisons.

17. A licensee shall personally manage and conduct the sale of the poisonous substances which he shall be licensed to sell or retail.

18. A licensee shall, on being required to do so by the Inspector appointed under Section 8 of the Pharmacy and Poisons Act (Northern Ireland), 1925, or by any officer of the local authority, or any police constable or police officer, produce his licence.

19. All poisonous substances shall be kept by the licensee in a separate drawer or cupboard, or closed receptacle, apart from other goods, and poisonous substances shall not be sold upon the same premises as articles of food for human consumption, unless the local authority are satisfied that convenient arrangements for their sale cannot otherwise be made, and, in that case, they must be sold at a separate counter. For the purpose of this Regulation a part of a counter, which is shown to the satisfaction of the local authority to be adequately separated from the rest of the counter, shall be treated as a separate counter.

20. A licensee shall at all reasonable times, on being required to do so by the Inspector appointed under Section 8 of the Pharmacy and Poisons Act (Northern Ireland), 1925, or by any officer of the local authority, permit such persons to inspect the premises of the licensee and every store, or cupboard, or receptacle where the licensee shall keep the poisonous substances, and also to inspect and to take copies of and extracts from any book or books which it may be the duty of the licensee to keep in pursuance of the Arsenic Act, 1851, or the Poisons (Ireland) Act, 1870, or the Pharmacy and Poisons Act (Northern Ireland), 1925, so far as the same may be applicable.

21. A poisonous substance shall not be sold except in an enclosed vessel or receptacle as received from the manufacturer, distinctly labelled with the word "Poison" or "Poisonous," the name of the substance, the name and address of the seller, and a notice of the special purpose for which it has been prepared.

22. Liquid preparations shall be sold only in bottles or tins as received from the manufacturer, and such bottles and tins shall be so constructed as to bear the ordinary risk of transit without leakage and to be easily distinguishable by touch from ordinary bottles or tins, and the word "Poison" or "Poisonous" shall be indelibly marked on each bottle or tin.

23. Solid preparations shall be securely packed in such a manner as to avoid, so far as possible, the risk of breakage or leakage from transport, and the package shall contain a notice that it must be destroyed when empty.

24. For the purposes of these Regulations, the expression "poisonous substances" means the poisonous substances to which Section 2 of the Poisons and Pharmacy Act, 1908, as amended by Order in Council of the 29th day of June, 1917, applies for the time being, the expression "Police authority" means the District Inspector of the Royal Ulster Constabulary, and the expression "local authority" means the council of the county or county borough in which the shop or building is situate in which a licensee or applicant for a licence carries on or intends to carry on the sale of poisonous substances.

25. These Regulations may be cited as the Poisons and Pharmacy (Northern Ireland) Regulations, 1928.

SCHEDULE A,

FORM OF APPLICATION TO LOCAL AUTHORITY FOR LICENCE.

THE POISONS AND PHARMACY ACT, 1908.

I _____ of _____
 carrying on the trade of _____
 at _____, hereby apply for a
 licence thereat, to sell and keep open shop for the sale of [* _____
 being] poisonous substances to
 which Section 2 of the Poisons and Pharmacy Act, 1908, as amended by said
 Order in Council of the 29th day of June, 1917, applies for use exclusively in
 connection with†

I undertake to comply with the provisions of the Arsenic Act, 1851, and the
 Poisons (Ireland) Act, 1870 and the Pharmacy and Poisons Act (Northern
 Ireland), 1925, so far as the said provisions may be applicable, and the Regulations
 made by Order in Council.

Date _____

(Signed) _____

SCHEDULE B.

FORM OF NOTICE TO THE POLICE AUTHORITY OF INTENTION
 TO APPLY FOR LICENCE.

THE POISONS AND PHARMACY ACT, 1908.

To _____
 District Inspector, Royal Ulster Constabulary.
 Take notice that I, _____ of _____
 carrying on the trade of _____
 intend to apply to the County Council for a licence to sell and keep open shop
 at _____
 for the sale of [* _____ being]
 poisonous substances to which Section 2 of the Poisons and Pharmacy Act,
 1908, as amended by said Order in Council of the 29th day of June, 1917, applies
 for use exclusively in connection with†

Date _____

(Signed) _____

*Here insert the substances in respect of which the licence is applied for. If the application is for a
 licence to sell all the substances to which Section 2 of the Act applies, the words in square brackets
 will be omitted.

†Here insert either "agriculture" or "horticulture," or "agriculture and horticulture."

PHARMACY AND POISONS

SCHEDULE C.

FORM OF NOTICE TO THE SECRETARY OF THE PHARMACEUTICAL
SOCIETY OF NORTHERN IRELAND OF RECEIPT OF APPLICATION
FOR LICENCE.

THE POISONS AND PHARMACY ACT, 1908.

To the Secretary of the Pharmaceutical Society of Northern Ireland.

Take notice that
of _____, carrying on the trade
of _____ has applied for a
licence thereat, to sell and keep open shop at _____
for the sale of [* _____ being]
poisonous substances to which Section 2 of the Poisons and Pharmacy Act, 1908,
as amended by said Order in Council of the 29th day of June, 1917, applies for
use exclusively in connection with†

This application will be considered by the Council on.....
Objections (if any) to the issue of that licence should be lodged before that date.

Date

(Signed)
Clerk of the Council of

SCHEDULE D.

FORM OF NOTICE TO THE MINISTER OF HOME AFFAIRS AND THE
SECRETARY OF THE PHARMACEUTICAL SOCIETY OF NORTHERN
IRELAND OF THE GRANT OF A LICENCE.

THE POISONS AND PHARMACY ACT, 1908.

To
Take notice that
of _____, carrying
on the trade of _____ has
been granted a licence to sell and keep open shop at _____
for the sale
of [§ _____ being]
poisonous substances to which Section 2 of the Poisons and Pharmacy Act,
1908, as amended by said Order in Council of the 29th day of June, 1917, applies
for use exclusively in connection with||

This licence was granted by the Council on

Date

(Signed)
Clerk of the Council of

*Here insert the substances in respect of which the licence is applied for. If the application is for a licence to sell all the substances to which Section 2 of the Act applies, the words in square brackets will be omitted.

†Here insert either "agriculture" or "horticulture," or "agriculture and horticulture."

‡Here insert Minister of Home Affairs or Secretary of the Pharmaceutical Society of Northern Ireland, as the case may be.

§Here insert the substances in respect of which the licence is applied for. If the application is for a licence to sell all the substances to which Section 2 of the Act applies, the words in square brackets will be omitted.

||Here insert either "agriculture" or "horticulture," or "agriculture and horticulture."

SCHEDULE E.

FORM OF LICENCE.

THE POISONS AND PHARMACY ACT, 1908.

of

carrying on the trade of

at

is hereby licensed thereat to sell and keep open shop for the sale of [*

being]

the poisonous substance to which Section 2 of the Poisons and Pharmacy Act, 1908, as amended by said Order in Council of the 29th day of June, 1917, applies for use exclusively in connection with†

subject to the provisions of the Arsenic Act, 1851, the Poisons (Ireland) Act, 1870; as amended by the Dangerous Drugs and Poisons (Amendment) Act (Northern Ireland), 1924, the Pharmacy and Poisons Act (Northern Ireland) 1925, and the Regulations made by Order in Council under the Poisons and Pharmacy Act, 1908, set out on the back of this licence‡, and to such other provisions of those Acts and Regulations as may be applicable to the case.

This licence is in force until the _____ day of _____

Date

(Signed)

Clerk of the Council of _____

*Here insert the substances for the sale of which the licence is granted, if the licence is to authorise the sale of all the substances to which Section 2 of the Act applies, the words in square brackets will be omitted.

†Here insert either "agriculture" or "horticulture," or "agriculture and horticulture."

‡The following provisions are to be set out at the back of the licence:—Sections 1, 2, 3 and 4 of the Arsenic Act, 1851 (14 & 15 Vict., c. 13).

1. Every person who shall sell any arsenic shall forthwith and before the delivery of such arsenic to the purchaser enter or cause to be entered in a fair and regular manner in a book or books to be kept by such person for that purpose, in the form set forth in the Schedule to this Act, or to the like effect, a statement of such sale with the quantity of arsenic so sold and the purpose for which such arsenic is required, or stated to be required, and the day of the month and year of the sale, and the name, place of abode, and condition or occupation of the purchaser, into all which circumstances the person selling such arsenic is hereby required and authorised to enquire of the purchaser before the delivery to such purchaser of the arsenic sold, and such entries shall in every case be signed by the person making the same, and shall also be signed by the purchaser, unless such purchaser professes to be unable to write (in which case the person making the entries hereby required shall add to the particulars to be entered in relation to such sale the words "cannot write"), and where a witness is hereby required to the sale shall also be signed by such witness, together with his place of abode.

2. No person shall sell arsenic to any person who is unknown to the persons selling such arsenic unless the sale be made in the presence of a witness who is known to the person selling the arsenic and to whom the purchaser is known and who signs his name together with his place of abode to such entries before the delivery of the arsenic to the purchaser, and no person shall sell arsenic to any person other than a person of full age.

3. No person shall sell any arsenic unless the same be before the sale thereof mixed with soot or indigo in the proportion of one ounce of soot or half-an-ounce of indigo at the least to one pound of arsenic, and so in proportion for any greater or less quantity; provided always that where such arsenic is stated by the purchaser to be required not for use in agriculture but for some other purpose for which such admixture would, according to the representation of the purchaser, render it unfit, such arsenic may be sold without such admixture in a quantity not less than ten pounds at any one time.

4. If any person shall sell arsenic save as authorised by this Act, or on any sale of arsenic shall deliver the same without having made and signed the entries hereby required on such sale, or without having obtained such signature or signatures to such entries as required by this Act; or if any person purchasing any arsenic shall give false information to the person selling the same in relation to the particulars which such last-mentioned person is hereby authorised to enquire into of such purchaser; or if any person shall sign his name as aforesaid as a witness to a sale of arsenic to a person unknown to the person so signing as witness, every person so offending shall, for every such offence, upon a summary conviction for the same before two Justices of the Peace in England or Ireland, or before two Justices of the Peace or the Sheriff in Scotland, be liable to a penalty not exceeding Twenty Pounds.

SECTION 2 OF THE POISONS (IRELAND) ACT, 1870,

AS AMENDED BY

SECTION 5 OF THE DANGEROUS DRUGS AND POISONS (AMENDMENT) ACT (NORTHERN IRELAND), 1924, AND BY

SECTION 24 OF THE PHARMACY AND POISONS ACT (NORTHERN IRELAND), 1925.

2. It shall be unlawful to sell any poison either by wholesale or retail unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name and address of the seller of the poison, with the word "poison," and with the name of the poison, and, in the case of a preparation which contains a poison as one of the ingredients thereof, with such particulars as to the proportion which the poison contained in the preparation bears to the other ingredients as the Governor of Northern Ireland may by Order in Council prescribe; and it shall be unlawful to sell any of the poisons which are named in the first part of the Fourth Schedule to the Pharmacy and Poisons Act (Northern Ireland), 1925, or which may hereafter be added thereto under Section 1 of this Act, to any person unknown to the seller, unless such person is introduced by some person known to the seller; and on every sale of any such article the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose, stating, in the form set forth in the Schedule B. to this Act annexed, the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person (if any) who introduced him shall be affixed, and any person selling poison otherwise than is herein provided shall be liable to a penalty not exceeding Five Pounds for the first offence, and to a penalty not exceeding Ten Pounds for the second or any subsequent offence; and for the purposes of this Section the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller; but the provisions of this Section, which are solely applicable to poisons in the first part of the Fourth Schedule to the Pharmacy and Poisons Act (Northern Ireland), 1925, or which require that the label shall contain the name and address of the seller, shall not apply to articles to be exported from Ireland by wholesale dealers nor to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, nor shall any of the provisions of this Section apply to any medicine supplied by a duly qualified apothecary or registered pharmaceutical chemist, nor apply to any article when forming part of the ingredients of any medicine dispensed by a duly qualified apothecary, provided such medicine be labelled in the manner aforesaid with the name and address of the seller, and the ingredients thereof be entered with the name of the person to whom it is sold or delivered, in a book to be kept by the seller for that purpose; and nothing in this Act contained shall repeal or affect any of the provisions of the Act of the fourteenth and fifteenth years of the reign of Her present Majesty intituled "An Act to regulate the sale of Arsenic."

Note.—Regulations 16—23 both inclusive, are also to be printed on the back of the licence.

POTATOES : MARKETING OF.

MARKETING OF POTATOES RULES (NORTHERN IRELAND), 1928,
DATED 31ST DAY OF DECEMBER, 1928.

1928. No. 135.

THE MINISTRY OF AGRICULTURE BY VIRTUE AND IN EXERCISE OF THE POWERS FOR THIS PURPOSE VESTED IN IT BY THE MARKETING OF POTATOES ACT (NORTHERN IRELAND), 1928, AND OF EVERY OTHER POWER IN THAT BEHALF ENABLING IT, HEREBY MAKES THE RULES FOLLOWING, THAT IS TO SAY:—

I. *Short Title.*

These Rules shall be known as "The Marketing of Potatoes Rules (Northern Ireland), 1928."

II. *Definitions.*

In these Rules unless the context shall require a different construction:—

- (1) The expression "Ministry" shall mean the Ministry of Agriculture, Northern Ireland.