

1960/131



## THE DEADLY POISONS REGULATIONS 1960

COBHAM, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 24th day of August 1960

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Poisons Act 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

1. (1) These regulations may be cited as the Deadly Poisons Regulations 1960.

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

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

“Approved Operator”, in relation to any controlled deadly poison, means a person for the time being approved in respect of that poison under regulation 6 of these regulations:

“Authorised Licensee” means, in relation to any controlled deadly poison, the holder of a wholesaler’s poison licence under the Poisons Act 1934 who is for the time being duly authorised under regulation 5 of these regulations to sell that deadly poison:

“Controlled deadly poison” means any poison specified in the Schedule to these regulations; and includes every preparation or substance that contains any portion of any such poison; but does not include such a preparation or substance if it is in a container which bears a label describing the substance or preparation as being for use exclusively in agriculture or horticulture for the destruction of insect pests:

“Health District” means a Health district for the time being named and described for the purposes of the Health Act 1956:

“Local Authority” means Borough Council, Town Council, County Council, Road Board, or Harbour Board:

“Medical Officer of Health” means a Medical Officer of Health under the Health Act 1956:

“Registrar” means the Director-General of Health; and includes any officer of the Department of Health to whom any powers and functions are for the time being delegated by the Registrar under the Poisons Act 1934:

“Sale” or “Sell” includes barter, and also includes offering or attempting to sell, or having in possession for sale, or sending or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale; and also includes any disposal to which regulation 3 of these regulations applies:

“Wholesaler’s poison licence” means a wholesaler’s poison licence under the Poisons Act 1934:

“To apply a controlled deadly poison” means to drop it from an aircraft, to lay it as bait, or to spray, dust, sprinkle, or pour it on the ground or on any vegetation.

3. (1) The provisions of these regulations relating to the sale of any controlled deadly poison shall, unless the context otherwise requires, apply to the disposal of any controlled deadly poison by way of gift, loan, or otherwise.

(2) For the purposes of this regulation, the term “gift” includes the giving or distribution of any controlled deadly poison, in the course of business, without charge or as a sample.

4. No person shall sell any controlled deadly poison unless he is the holder of a wholesaler’s poison licence and is duly authorised under these regulations to sell that controlled deadly poison.

5. (1) Every holder of a wholesaler’s poison licence who wishes to sell any controlled deadly poison shall make application in writing to the Medical Officer of Health of the Health District in which he conducts his business setting out the name and form of the controlled deadly poison which he wishes to sell.

(2) The Medical Officer of Health, on being satisfied that the premises, equipment, facilities, and protective clothing which the applicant proposes to use are suitable and adequate for the storage, packing, and handling of the controlled deadly poison, may in his discretion, subject to such conditions as he may specify, authorise the licensee in writing to sell that controlled deadly poison.

(3) Every such authority may at any time in like manner be altered, amended, or revoked by the Registrar or the Medical Officer of Health.

(4) Unless sooner revoked, every authority issued under this regulation shall continue in force until the thirty-first day of March in the year following the year in which it was granted, and shall then expire.

6. (1) Subject to subclause (6) of this regulation, no person shall pack, repack, prepare, or apply any controlled deadly poison unless he is an approved operator or is at all material times working under the direct personal supervision of an approved operator.

(2) Every person who wishes to pack, repack, prepare, or apply any controlled deadly poison shall apply in writing to the Medical Officer of Health of the Health District in which he resides setting out his full name and address, the form or forms of controlled deadly poison he proposes to use, the purposes for which it is intended to be used, and a statement of the nature of the instruction or training he has received in the handling and use of the controlled deadly poison and in first aid treatment.

(3) The Medical Officer of Health may, in his discretion, subject to such terms and conditions as he thinks fit, on being satisfied that the applicant is adequately instructed or trained in the use of the controlled deadly poison, issue in writing to the applicant his approval of the applicant as an approved operator in respect of that poison.

(4) Every such approval may at any time, in like manner, be revoked by the Registrar or the Medical Officer of Health.

(5) Unless sooner revoked, every approval issued under this regulation shall remain in force until the thirty-first day of March in the year following the year in which it was given, and shall then expire.

(6) This regulation shall not apply to the pilot of any aircraft whose only applying of controlled deadly poison is from an aircraft while he is the holder of a Chemical Rating issued to him under the Civil Aviation Regulations 1953.\*

7. (1) No authorised licensee shall sell any controlled deadly poison except to an authorised licensee, an approved operator, or the Crown.

(2) No authorised licensee shall sell any controlled deadly poison unless he has, before delivery, received from the purchaser a written order setting out:

- (a) The name of the purchaser:
- (b) The address of the purchaser:
- (c) If the purchaser is other than the Crown, the name of the Health District, the Medical Officer of Health of which has granted the purchaser authority or approval, and the date of that authority or approval:
- (d) The name, form, and quantity of the controlled deadly poison ordered:
- (e) Instructions for delivery:
- (f) The signature of the person ordering:
- (g) The date on which the order was written:
- (h) The purpose for which the poison is intended to be used.

(3) Every authorised licensee who sells a controlled deadly poison shall on each occasion of delivery to the purchaser endorse the order required by subclause (2) of this regulation with:

- (a) The date of supply:
- (b) If the quantity or form supplied differs from that ordered, details of the quantity and form supplied:
- (c) The method of despatch and delivery:
- (d) The signature of the licensee supplying.

(4) Every authorised licensee who sells any controlled deadly poison shall, within seven days of the close of the month in which the sales take place, deliver to the Medical Officer of Health for the Health District in which the licensee is located a written statement setting out the name and address of the licensee and in respect of every sale made:

- (a) The date of sale:
- (b) The name and address of the purchaser:
- (c) If the purchaser is not the Crown, the name of the Health District in which the licensee's authority or operator's approval has been granted and its date:
- (d) The quantity and description of the controlled deadly poison supplied.

(5) Each order required by subclause (2) of this regulation, endorsed as required by subclause (3) of this regulation, shall be kept on the premises of the licensee in such manner as to be readily available for

\*S.R. 1953/108

Amendment No. 1: S.R. 1953/143  
 Amendment No. 2: S.R. 1956/134  
 Amendment No. 3: S.R. 1959/3  
 Amendment No. 4: S.R. 1959/158  
 Amendment No. 5: S.R. 1960/71

inspection for a period of not less than three years from the date of the last endorsement on the order, and shall be readily available during all normal business hours for examination by any member of the Police or any officer of the Department of Health:

Provided that, should the licensee cease to be an authorised licensee, he shall forthwith lodge the orders with the Medical Officer of Health who shall retain them for a period of not less than three years from the date when they are lodged with him.

8. (1) No approved operator shall apply any controlled deadly poison—

(a) Within any city, borough, or town district; or

(b) In or on any ship, vessel, vehicle, or building, or otherwise within any area controlled by a Harbour Board—

except with the prior consent in writing of the local authority and of the Medical Officer of Health and subject to such conditions as the local authority or the Medical Officer of Health may impose.

(2) Every person seeking consent under this regulation shall make application in writing to both the local authority and the Medical Officer of Health.

(3) No Medical Officer of Health shall give consent under this regulation unless the prior consent of the local authority has been granted.

9. No person shall apply any controlled deadly poison directly or indirectly into any watercourse, stream, lake, or other source of water under the control of any local authority for supply for use for domestic purposes.

10. Except as provided in the Rabbits Act 1955 and the Noxious Animals Act 1956, no approved operator shall apply any controlled deadly poison on any land or in any buildings of which he is not the owner or occupier, unless he has received the prior written consent of the owner or occupier.

11. (1) Any person who desires to have any controlled deadly poison applied from any aircraft shall make written application to the Medical Officer of Health for the Health District in which it is proposed to apply the controlled deadly poison setting out all relevant information including the approximate date when it is proposed to apply the controlled deadly poison, the nature and concentration of application, and an identifiable description of the land on which it is proposed to apply the controlled deadly poison.

(2) If he is satisfied that the application of the controlled deadly poison will not contravene the Health Act 1956, the regulations made under that Act, or these regulations, the Medical Officer of Health shall issue to the applicant, in duplicate, his written approval setting out the relevant information stated in the application.

(3) The applicant shall transmit one copy of the approval to the pilot or person in control of the aircraft.

(4) No pilot of an aircraft shall apply any controlled deadly poison unless he has been provided with the approval required by this regulation.

12. Every approved operator and every person who engages a pilot to apply a controlled deadly poison from an aircraft shall, before the application of any controlled deadly poison, deliver to the officer in charge

of the police station for the area where the controlled deadly poison is intended to be laid or sprayed, and shall cause to be published in a newspaper having circulation in that area, a notice setting out:

- (a) The date on which, or as soon as practicable after which, it is intended to apply the controlled deadly poison:
- (b) The name of the controlled deadly poison which it is intended to apply:
- (c) A clear description, having reference to roads, districts, and other commonly known features, of the area where it is intended to lay or spray the controlled deadly poison:
- (d) The name and address of the local authority, approved operator, person, or firm responsible for the application of the controlled deadly poison.

13. (1) Every pilot who jettisons or drops any controlled deadly poison from an aircraft outside an authorised dropping area shall, as soon as practicable after so doing, notify the person who engaged him to apply that controlled deadly poison.

(2) Every person who has engaged a pilot to apply any controlled deadly poison from an aircraft shall, on becoming aware that that poison has been jettisoned or dropped outside the authorised area or that the aircraft carrying that poison has crashed, notify the officer in charge of the police station for the area where that poison lies and shall take all steps necessary to dispose of any hazard likely to arise from the jettisoning or dropping of that poison or the crash of the aircraft containing that poison.

14. Every person responsible for the administration or control of property or premises where a controlled deadly poison has been applied shall inform every person whom he authorises or permits to enter on the property or premises, within the three months following the application of the deadly poison, that that controlled deadly poison has been applied:

Provided that it shall not be necessary to supply that information if every unconsumed bait and every carcass has been removed and destroyed.

15. Notwithstanding the provisions of regulation 6 and subclauses (1) and (3) of regulation 7 of the Poisons (General) Regulations 1937\*, the Registrar may, in special cases, subject to such terms and conditions as he may impose, permit in writing a person to transport substantially by air specified quantities of a controlled deadly poison to a specified isolated area in New Zealand, and to store it for a period not exceeding fourteen days without complying with the requirements of the said provisions.

16. Except as provided by permission granted under regulation 15 hereof, no authorised licensee or approved operator shall store any controlled deadly poison otherwise than in a container complying with and labelled in accordance with the Poisons (General) Regulations 1937 and in a locked cupboard or locked room to the key of which only he has access.

\*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: S.R. 1955/75  
 Amendment No. 11: S.R. 1955/210  
 Amendment No. 12: S.R. 1957/16  
 Amendment No. 13: S.R. 1958/13  
 Amendment No. 14: S.R. 1960/133

17. (1) Any person to whom any decision or requirement of the Registrar, a Medical Officer of Health, or a local authority under these regulations applies, and who objects to the decision or requirement, may within fourteen days after receiving notice of the decision or requirement apply to a Magistrate's Court, presided over by a Magistrate, to have his objection heard and determined.

(2) For the purposes of hearing and determining the application, the Court shall have all the powers vested in it in its civil jurisdiction. On hearing the application the Court may make such order as it thinks fit, and every such order shall be final and binding on all parties.

18. Every person commits an offence and is liable on summary conviction to a fine not exceeding £50 who contravenes or fails to comply in any respect with any provision of these regulations.

19. Regulation 3A of the Poisons (General) Regulations 1937, as substituted by subclause (1) of regulation 2 of the Poisons (General) Regulations 1937, Amendment No. 13,\* is hereby amended by adding the following subclause:

“(5) This regulation is subject to the provisions of the Selenium Control Regulations 1959 and the Deadly Poisons Regulations 1960.”

\*S.R. 1958/13

Reg. 2

## SCHEDULE

### CONTROLLED DEADLY POISONS

Bis (2 fluoroethyl)-formal.

Fluoroacetamide—also known as 1081.

Fluorocitric acid; its salts and derivatives.

Monofluoroacetic acid; its salts and esters (the sodium salt known as 1080).

Thallium, salts of.

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 prohibit the sale, distribution, and use of certain deadly poisons, used as baits for the destruction of noxious animals and as dusts and sprays for the destruction of insect pests, otherwise than as provided in these regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 September 1960.

These regulations are administered in the Department of Health.