STATUTORY INSTRUMENTS

1974 No. 1557

POISONS

The Poisons (Amendment) (No. 2) Rules 1974

Made - - -	*15th September* 1974
Laid before Parliament	*19th September* 1974
Coming into Operation	*1st November* 1974

In pursuance of section 23 of the Pharmacy and Poisons Act 1933(**a**) and on the recommendation of the Poisons Board, I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Poisons (Amendment) (No. 2) Rules 1974 and shall come into operation on 1st November 1974.

(2) In these Rules, "the principal Rules" means the Poisons Rules 1972(**b**) as amended by the Poisons (Amendment) Rules 1974(**c**) and the Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974(**d**).

2. Rule 8(4) of the principal Rules shall be amended as follows:—

(*a*) in sub-paragraph (*a*), after the word "sale" there shall be inserted the words "of the poison not being a poison for the time being specified in Schedule 2, 3 or 4 to the Misuse of Drugs Regulations 1973(**e**)"; and

(*b*) in sub-paragraph (*b*), for the words "to which any Part of the Dangerous Drugs Act 1965 applies" there shall be substituted the words "for the time being specified in Schedule 2, 3 or 4 to the Misuse of Drugs Regulations 1973".

3. The principal Rules shall be amended as follows, that is to say, in Rules 9(*c*), 13(5) and 30(3)—

(*a*) for the words "National Health Service Act 1946" there shall be substituted the words "National Health Service Acts 1946 to 1973"; and

(*b*) for the words "National Health Service (Scotland) Act 1947" there shall be substituted the words "National Health Service (Scotland) Acts 1947 to 1973".

4.—(1) The principal Rules shall be amended in accordance with the following provisions of this Rule.

(2) In Rule 15(2)—

(*a*) in sub-paragraph (*b*), for the words "or horticulture" there shall be substituted the words "horticulture or forestry"; and

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(**a**) 1933 c. 25.
(**b**) S.I. 1972/1939 (1972 III, p. 5750).
(**c**) S.I. 1974/81 (1974 I, p. 254).
(**d**) S.I. 1974/595 (1974 I, p. 2359).
(**e**) S.I. 1973/797 (1973 I, p. 2549).

(*b*) at the end there shall be added the following sub-paragraph:—

"(*c*) β-[2-(3,5-Dimethyl-2-oxocyclohexyl)-2-hydroxyethyl]glutarimide, unless the purchaser thereof is engaged in the trade or business of forestry and requires the poison for the purpose of that trade or business."

(3) In Schedule 1, after the item beginning with the word "Dimepheptanol" there shall be inserted the item "β-[2-(3,5-Dimethyl-2-oxocyclohexyl)-2-hydroxyethyl]glutarimide".

(4) In Part A of Schedule 5—

(*a*) after the item beginning with the word "Barium" there shall be inserted the following item:—

"β-[2-(3,5-Dimethyl-2-oxocyclohexyl) -2-hydroxyethyl]glutarimide	Preparations for use in forestry";

(*b*) for the words "or horticulture" wherever they appear there shall be substituted the words "horticulture or forestry"; and

(*c*) for the words "and horticultural" wherever they appear there shall be substituted the words "horticultural and forestal".

(5) In Part B of Schedule 5, in the heading, for the words "or horticulture" there shall be substituted the words "horticulture or forestry".

(6) In Schedule 7, in paragraph 6, after the word "clothing" there shall be inserted the item "β-[2-(3,5-Dimethyl-2-oxocyclohexyl)-2-hydroxyethyl] glutarimide".

(7) In Schedule 8, after the item "Chloropicrin" there shall be inserted the item "β-[2-(3,5-Dimethyl-2-oxocyclohexyl)-2-hydroxyethyl]glutarimide".

5. The principal Rules shall be amended as follows:—

(*a*) in Rule 18, paragraphs (5) and (9) shall be omitted; and

(*b*) in Part I of Schedule 13—

(i) in paragraph 2, the words "other than those of paragraph (9) (cannabinol etc.)",

(ii) in paragraph 3, the words "other than those of paragraph (5) (lysergide, mescaline etc.) and paragraph (9) (cannabinol etc.)", and

(iii) paragraphs 9 and 13,

shall be omitted.

6. Schedule 3 to the principal Rules shall be amended as follows, that is to say, in Group II:—

(*a*) in the item beginning with the word "Barium", in the second column at the end there shall be added the words "; sealed smoke generators containing not more than twenty five per cent., weight in weight, of barium carbonate";

(*b*) in the item beginning with the word "Phenols", in the second column after the entry beginning with the word "tar" there shall be inserted the following entry:—

"in tar oil distillation fractions containing not more than five per cent. of phenols;".

7. Schedule 13 to the principal Rules shall be amended as follows:—

(*a*) in Part I, in paragraph 5, the words "by the chairman or secretary of an Agricultural Executive Committee or" shall be omitted; and

(*b*) in Part II, the words "[Chairman/Secretary of the ..... Agricultural Executive Committee]" shall be omitted.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
15th September 1974.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules further amend the Poisons Rules 1972. The principal changes are as follows:—

(*a*) Rules 2 and 5 make changes consequent upon the Misuse of Drugs Act 1971 (c.38) and the Misuse of Drugs Regulations 1973;

(*b*) Rule 3 brings up to date references to the National Health Service Acts;

(*c*) Rule 4 places restrictions on the sale by listed sellers of Part II poisons of β-[2-(3,5-Dimethyl-2-oxocyclohexyl)-2-hydroxyethyl]glutarimide (commonly known as cycloheximide), which is added to Part II of the Poisons List by the Poisons List (No. 2) Order 1974 (S.I. 1974/1556), inserts references to that substance in Schedules 1, 5, 7 and 8 and adds forestry as a trade or business for the purpose of which, and for use in which, Schedule 5 poisons may be sold;

(*d*) Rule 6 provides for exemption from the poisons legislation for sealed smoke generators and tar oil distillation fractions containing respectively specified percentages of barium carbonate and phenols;

(*e*) Rule 7 makes changes consequent upon the abolition of Agricultural Executive Committees in Scotland.

SI 1974/1557
ISBN 0-11-041557-4

