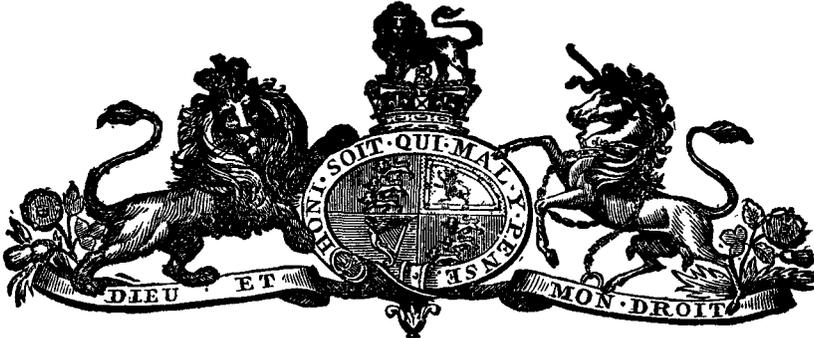


## NEW ZEALAND.



TRICESIMO QUINTO

## VICTORIÆ REGINÆ.

No. LIII.

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## ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Repeal of Act of 1866.<br/>3. Articles named in First Schedule to be deemed poisons within the meaning of this Act.<br/>4. Sale of poisons by unregistered persons prohibited.<br/>5. Registrars to be appointed.<br/>6. Sellers of poisons to be registered.<br/>7. Form of register.<br/>8. Duty of Registrar to make and keep register.</p> | <p>9. Notice of death of registered person to be given by Registrars of Deaths.<br/>10. Annual Register to be published and be evidence.<br/>11. Protection of titles and restrictions on the sale of poisons.<br/>12. Regulations to be observed in the sale of poisons.<br/>13. Book to be produced to police officer. Penalty.<br/>14. Provision for colouring arsenic.<br/>15. Registration under Medical Act.<br/>16. Adulteration of Food or Drink Act to extend to medicines.<br/>Schedules.</p> |
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AN ACT to make further and better provision for regulating the Sale and Keeping of certain Poisons. Title.  
[14th November 1871.]

WHEREAS it is expedient for the safety of the public that further and better provision should be made for regulating the sale of poisons and that persons keeping open shop for the retailing dispensing or compounding of poisons should be registered in the manner herein provided: Preamble.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:—

1. The Short Title of this Act shall be "The Sale of Poisons Act 1871." Short Title.

2. "The Sale of Poisons Act 1866" shall from and after the thirty-first day of December one thousand eight hundred and seventy-one be repealed but this repeal shall not interfere with the institution or prosecution of any proceeding in respect of any offence committed against or any penalty incurred under the said Act but the same may be instituted and prosecuted as if this Act had not been passed. Repeal of Act of 1866.

3. The several articles named or described in the First Schedule hereto shall be deemed to be poisons within the meaning of this Act and the Governor by Order in Council may from time to time declare that any article in such order named shall be deemed a poison within Articles named in First Schedule to be deemed poisons within the meaning of this Act.

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the meaning of this Act and such order shall be advertised in the *New Zealand Gazette* and on the expiration of three months from such advertisement the article named in such resolution shall be deemed to be a poison within the meaning of this Act.

Sale of poisons by unregistered persons prohibited.

4. From and after the thirty-first day of December one thousand eight hundred and seventy-one it shall be unlawful for any person to sell or keep open shop for retailing dispensing or compounding poisons in any part of New Zealand unless such person shall be registered under this Act in the register kept under this Act for the Province or other Division in which he so sells or keeps open shop and conform to such regulations as to the keeping dispensing and selling of such poisons as may from time to time be prescribed by the Governor in Council which regulations the Governor in Council is hereby authorized from time to time to make and to vary or rescind as may seem expedient.

Registrars to be appointed.

5. The Governor may from time to time by warrant under his hand appoint for each Province or other Division of the Colony a person to be Registrar under this Act and may at any time remove any person so appointed and appoint another in his place. Each Registrar shall have an office at such town or place as the Governor may from time to time direct and at such office he shall keep the register for the Province or other Division for which he is appointed.

Sellers of poisons to be registered.

6. Any person who wishes to sell or keep open shop for retailing dispensing or compounding poisons in any Province or other Division of the Colony for which a Registrar has been appointed under this Act may be registered under this Act without fee or reward on application to the Registrar personally or by registered letter.

Form of register.

7. The register to be kept under this Act for each Province or other Division shall be in accordance with the form set forth in the Second Schedule to this Act and such register shall be called "The Register of Vendors of Poisons for the Province of *(naming it)* [or for the *of (naming it)*]."

Duty of Registrar to make and keep register.

8. It shall be the duty of the Registrar of each Province or Division to make and keep a correct register in accordance with the provisions of this Act of all persons required to be registered under this Act in the register for such Province or other Division on application without fee or reward and to erase the names of all registered persons who shall have died or removed from the Province or other Division or ceased to carry on business and from time to time to make the necessary alterations in the addresses of the persons registered under this Act.

To enable the Registrar duly to fulfil the duties imposed upon him it shall be lawful for the Registrar to write a letter to any registered person addressed to him according to his address on the register to inquire whether he has ceased to carry on business or has changed his residence such letter to be forwarded by post as a registered letter according to the Post Office regulations for the time being and if no answer shall be returned to such letter within the period of six months from the sending of the letter a second of similar purport shall be sent in like manner and if no answer be given thereto within three months from the date thereof it shall be lawful to erase the name of such person from the register Provided always that the same may be restored by the Registrar.

Notice of death of registered person to be given by Registrars of Deaths.

9. Every Registrar of Deaths in New Zealand on receiving notice of the death of any person registered under this Act shall forthwith transmit by post to the Registrar under this Act for the Province or other Division in which such death took place a certificate under his own hand of such death with the particulars of the time and place of

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death and on the receipt of such certificate the said Registrar under this Act shall erase the name of such deceased person from the Register if such deceased person shall be registered in his register if not he shall send the certificate to the Registrar in whose register such deceased person is registered and on the receipt thereof the last-named Registrar shall erase the name of the deceased person from the Register.

10. The Registrar for each Province or other Division shall in the month of January in every year cause to be printed published and authorized to be sold a correct register of all persons registered in his register and in such register the names shall be in alphabetical order according to the surnames with the respective residences in the form set forth in the Second Schedule to this Act or to the like effect of all persons appearing on the Register of Vendors of Poisons on the thirty-first day of December last preceding, and such printed registers shall be called "The Register of Vendors of Poisons for the Province of *(naming it)* [or for the of *(naming it)*]" as the case may be and a printed copy of any such register for the time being purporting to be so printed and published as aforesaid or any certificate under the hand of the said Registrar shall be evidence in all Courts and before all Justices of the Peace and others that the persons therein specified are registered according to the provisions of this Act and the absence of the name of any person from such printed register shall be evidence until the contrary shall be made to appear that such person is not registered according to the provisions of this Act.

Annual register to be published and be evidence.

11. From and after the thirty-first day of December one thousand eight hundred and seventy-one any person who shall sell or keep an open shop for the retailing dispensing or compounding poisons not being registered under this Act or shall fail to conform with any regulation as to the keeping or selling of poisons made by the Governor in Council in pursuance of this Act shall for every such offence be liable on summary conviction before any two or more Justices of the Peace to a penalty not exceeding five pounds.

Protection of titles and restrictions on the sale of poisons.

12. It shall be unlawful to sell any poison unless the box bottle vessel wrapper or cover in which such poison is contained be distinctly labelled with the name of the article and the word "Poison" and with the name and address of the seller of the poison.

Regulations to be observed in the sale of poisons.

And it shall be unlawful to sell any poison of those which are specified in the First Part of the First Schedule to this Act or may hereafter be declared to be poisons within the meaning of this Act by Order in Council under the third section of this Act to any person unknown to the seller unless 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 Third Schedule to this Act 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 upon a summary conviction before two Justices of the Peace 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

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the seller but the provisions of this section which are solely applicable to poisons in the First Part of the First Schedule to this Act or which require that the label shall contain the name and address of the seller shall not apply to articles to be exported from New Zealand 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 legally-qualified medical practitioner to his patient nor apply to any article when forming part of the ingredients of any medicine dispensed by a person registered under this Act 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 nor to the sale of arsenic by wholesale dealers in quantities not less than one hundredweight.

Book to be produced to police officer.

**13.** Every person registered under this Act and every seller of poison shall produce to any Police Officer whenever requested to do so the book required to be kept as aforesaid and if requested so to do a copy of any entries made therein. For any act or default contrary to the provisions of this section done or made by any such registered person or any seller of poisons he shall be liable to a penalty on summary conviction of not less than twenty shillings and not exceeding five pounds.

Penalty.

Provision for colouring arsenic.

**14.** 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 on pain of forfeiture of a penalty not exceeding five pounds to be recovered in a summary way. Provided always that where such arsenic is stated by the purchaser to be required for some purpose for which such admixture would according to the representation of the purchaser render it unfit such arsenic may be sold without such admixture.

Registration under Medical Act.

**15.** Persons registered under "The Medical Practitioners Registration Act 1869" shall not be registered under this Act.

Adulteration of Food or Drink Act to extend to medicines.

**16.** The provisions of "The Adulteration of Food Act 1866" shall extend to all articles usually taken or sold as medicines.

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SCHEDULES.

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FIRST SCHEDULE.

PART I.

Arsenic and its preparations.  
 Prussic Acid.  
 Cyanides of Potassium and all metallic Cyanides.  
 Strychnine and all poisonous vegetable Alkaloids and their Salts.  
 Aconite and its preparations.  
 Emetic Tartar.  
 Corrosive Sublimate.  
 Cantharides.  
 Savin and its Oil.  
 Ergot of Rye and its preparations.  
 Laudanum.  
 Opium.

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## PART II.

Oxalic Acid.  
 Chloroform.  
 Belladonna and its preparations.  
 Essential Oil of Almonds (unless deprived of its Prussic Acid).  
 All preparations of Opium or of Poppies.  
 Preparations of Corrosive Sublimate.  
 Preparations of Morphine.  
 Red Oxide of Mercury (commonly known as red precipitate of mercury).  
 Ammoniated Mercury (commonly known as white precipitate of mercury).  
 Every Compound containing any of the Poisons mentioned in this Schedule when prepared or sold for the destruction of vermin.  
 The Tincture and all vesicating Liquid Preparations of Cantharides.

## SECOND SCHEDULE.

Name.	Residence.
A.B.	Street
C.D.	Street

## THIRD SCHEDULE.

Date.	Name and Address of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Signature of Person introducing Purchaser.

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