



Jersey

POISONS (JERSEY) LAW 1952

Official Consolidated Version

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POISONS (JERSEY) LAW 1952

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Jersey

POISONS (JERSEY) LAW 1952¹

A LAW for controlling the sale and use of poisons²

Commencement [[see endnotes](#)]

PART 1

INTERPRETATION

1 Interpretation

(1) In this Law, unless the context otherwise requires –

“container” includes a wrapper;

“Court” means the Inferior Number of the Royal Court;

“dispensing”, in relation to a medicine or a poison, means supplying a medicine or a poison on and in accordance with a prescription duly given by a registered medical practitioner, registered dentist or registered veterinary surgeon;

“Minister” means the Minister for Health and Social Services;

“Order” means an Order made by the Minister under this Law;

“person lawfully conducting a retail pharmacy business” shall be construed in accordance with Article 68 of the [Medicines \(Jersey\) Law 1995](#);

“poison” has the meaning assigned thereto by Article 8;

“Poisons List” has the meaning assigned thereto by Article 8;

“prescribed” means prescribed by Order;

“registered pharmacy” has the meaning assigned thereto by Article 73 of the [Medicines \(Jersey\) Law 1995](#);

“retail pharmacy business” has the meaning assigned thereto by Article 1 of the [Medicines \(Jersey\) Law 1995](#);

“sale by way of wholesale dealing” means a sale to a person who buys for the purpose of selling again;

“substance” includes a preparation.³

- (2) In this Law “non-medicinal poison” means a substance which is for the time being included in Part 1, Part 2 or Part 3 of the Poisons List and is neither –
- (a) a medicinal product as defined by Article 2 of the [Medicines \(Jersey\) Law 1995](#); or
 - (b) a substance in relation to which, by virtue of an Order under Article 93 or 94 of that Law the provisions of Articles 51 to 53 and Articles 68 to 77 of that Law have effect as they have effect in relation to medicinal products as so defined.⁴

PART 2⁵

PART 3⁶

POISONS

8 Poisons List

- (1) The Minister shall prescribe a list of substances which are to be treated as poisons for the purposes of this Law (hereinafter referred to as the “Poisons List”) and such list shall be divided into 3 parts as follows –

Part 1 of the list shall consist of those substances which, where they are non-medicinal poisons, are by virtue and subject to the provisions of this Law prohibited from being sold except by a person lawfully conducting a retail pharmacy business;

Part 2 of the list shall consist of those substances which, where they are non-medicinal poisons, are by virtue and subject to the provisions of this Law prohibited from being sold except by a person lawfully conducting a retail pharmacy business or whose name is entered in the list kept in pursuance of Article 11 of this Law;

Part 3 of the list shall consist of those poisons which are not to be used except by a person or body authorized in writing by the Minister to use such poisons as may be specified in the authorization, subject to such conditions as may be so specified.⁷

- (2) In determining the distribution of poisons, as between Parts 1 and 2 of the said list, regard shall be had to the desirability of restricting the said Part 2 to articles which are in common use, or likely to come into common use, for purposes other than the treatment of human ailments and which it is reasonably necessary to include in the said Part 2 if the public are to have adequate facilities for obtaining them.

- (3) The said list as in force for the time being is in this Law referred to as the “Poisons List”, and in this Law “poison” means a poison included in the Poisons List.

9 Restrictions on sale of poisons

- (1) Subject to the provisions of this Part of this Law, it shall not be lawful –
- (a) for a person to sell any non-medicinal poison which is a substance included in Part 1 of the Poisons List unless –
 - (i) he or she is a person lawfully conducting a retail pharmacy business,
 - (ii) the sale is effected on premises which are a registered pharmacy, and
 - (iii) the sale is effected by, or under the supervision of, a pharmacist;
 - (b) for a person to sell any non-medicinal poison which is a substance included in Part 2 of the Poisons List unless –
 - (i) he or she is a person lawfully conducting a retail pharmacy business and the sale is effected on premises which are a registered pharmacy, or
 - (ii) his or her name is entered in the list kept in pursuance of Article 11 of this Law in respect of the premises on which the poison is sold;
 - (c) for a person to sell any non-medicinal poison, whether it is a substance included in Part 1 or 2 of the Poisons List, unless the container of the poison is labelled in the prescribed manner –
 - (i) with the name of the poison,
 - (ii) in the case of a preparation which contains a poison as one of the ingredients thereof, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients,
 - (iii) with the word “poison” or other prescribed indication of the character of the article, and
 - (iv) with the name of the seller of the poison and the address of the premises on which it was sold.⁸
- (2) Subject to the provisions of this Part of this Law and of any Order dispensing with or relaxing any of the requirements of this paragraph –
- (a) it shall not be lawful to sell any non-medicinal poison which is a substance included in Part 1 of the Poisons List to any person unless that person is either –
 - (i) certified in writing in the prescribed manner by a person authorized by Order to give a certificate for the purposes of this Article, or

- (ii) known by the seller or by some pharmacist 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;
- (b) the seller of any such poison shall not deliver it until –
 - (i) he or she has made or caused to be made an entry in a book to be kept for that purpose stating, in the prescribed form, the date of the sale, the name and address of the purchaser and of the person, if any, by whom the certificate required under sub-paragraph (a) of this paragraph was given, the name and quantity of the article sold, and the purposes for which it is stated by the purchaser to be required, and
 - (ii) the purchaser has affixed his or her signature to the entry aforesaid.⁹

10 Exemption with respect to sales by wholesale and sales to certain persons

Except as provided by Order, nothing in the foregoing provisions of this Part of this Law shall extend to or interfere with –

- (a) the sale of poisons by way of wholesale dealing;
- (b) the sale of poisons to be exported to purchasers outside Jersey; or
- (c) the sale of an article by a person carrying on a business, in the course of which poisons are regularly sold either by way of wholesale dealing or for use by the purchasers in their trade, business or profession to –
 - (i) any Department of Her Majesty's Government, any administration of the States or any parochial authority requiring the article for the purposes of the public service, or
 - (ii) a person or institution concerned with scientific education or research, if the article is required for the purpose of that education or research.¹⁰

11 Certain persons other than persons lawfully conducting a retail pharmacy business to be entitled to sell non-medicinal poisons in Part 2 of Poisons List¹¹

- (1) Any person who, not being a person lawfully conducting a retail pharmacy business desires to be entitled, subject to the provisions of this Law, to sell non-medicinal poisons which are included in Part 2 of the Poisons List, may apply to the Minister in the prescribed form for his or her name and the address of the premises on which he or she desires to be entitled to sell such poisons to be entered on a list to be kept by the Minister for the purposes of this Article and, subject as hereinafter provided, the Minister shall enter in the list the name and address of the premises of any person who makes such an application as aforesaid:

Provided that the Minister may refuse to enter in, or may remove from, the list the name of any person who in the opinion of the Minister is, for any sufficient reasons relating either to him or her personally or to his or her premises, not fit to be on the list.¹²

- (2) If any person is aggrieved by the refusal of the Minister to enter his or her name in the said list or by the removal of his or her name therefrom, he or she may appeal to the Court against the refusal or removal.
- (3) If any person whose name is entered in the said list is convicted before any court of any criminal offence which, in the opinion of the court, renders him or her unfit to have his or her name on the list, the court may, as part of the sentence, order his or her name to be removed from the list and direct that he or she shall, for such period as may be specified in the order, be disqualified for having his or her name entered in the list.
- (4) The said list shall be open at all reasonable times to the inspection of any person without fee.
- (5) It shall not be lawful for any person whose name is entered in the said list to use in connection with his or her business any title, emblem or description reasonably calculated to suggest that he or she is entitled to sell any poison other than a poison which he or she is under this Law entitled to sell, and, if any person acts in contravention of this paragraph, he or she shall be liable in respect of each offence to a fine not exceeding level 2 on the standard scale.¹³
- (6) In this Article “relating to the person personally” means, in relation to a person being a body corporate, relating personally to the members of the board, or to the manager or other officers of the body corporate.

12 Prohibition on sale of poisons by means of automatic machines

It shall not be lawful for a poison to be exposed for sale in, or to be offered for sale by means of, an automatic machine.

PART 4

MISCELLANEOUS

13 Consultation with pharmacists

The Minister may nominate not less than 2, and not more than 4, pharmacists to advise the Minister in the discharge of his or her functions under this Law, and any such nomination may be terminated by the Minister should it so think fit.¹⁴

14 Power of Minister to make Orders

- (1) The Minister may, by Order, make provision with respect to any of the following matters or for any of the following purposes –

- (a) the sale, whether by wholesale or by retail, or the supply, of non-medicinal poisons by or to any persons or classes of persons, and, in particular, but without prejudice to the generality of the foregoing provisions –
 - (i) for regulating or restricting the sale or supply of non-medicinal poisons by persons whose names are entered in the list kept in pursuance of Article 11 and for prohibiting the sale of any specified non-medicinal poison or class of non-medicinal poisons by any class of such persons, and
 - (ii) for dispensing with or relaxing with respect to non-medicinal poisons any of the provisions contained in Part 3 relating to the sale of non-medicinal poisons;
- (b) the storage, transport and labelling of non-medicinal poisons;
- (c) the containers in which non-medicinal poisons may be sold or supplied;
- (d) the addition to non-medicinal poisons of specified ingredients for the purpose of rendering them readily distinguishable as non-medicinal poisons;
- (e) the compounding and dispensing of non-medicinal poisons;
- (f) the period for which any books required to be kept for the purposes of Part 3 are to be preserved;
- (g) the period for which any certificate given under Part 3 is to remain in force;
- (h) for prescribing anything which is by this Law to be prescribed.¹⁵
- (2) The power to make provision under this Article with respect to non-medicinal poisons includes the power to make provision with respect to any class of non-medicinal poisons or any particular non-medicinal poison.¹⁶

15 ¹⁷

16 Penalties

- (1) A person who acts in contravention of or fails to comply with any of the provisions of Part 3 (other than Article 11(5)) or of any Order shall be liable in respect of each offence to a fine not exceeding level 3 on the standard scale.¹⁸
- (2) In the case of proceedings against a person under this Article for or in connection with the sale, exposure for sale, use or supply of a poison effected by an employee –
 - (a) it shall not be a defence that the employee acted without the authority of the employer; and
 - (b) any material fact known to the employee shall be deemed to have been known to the employer.¹⁹

- (3) In any proceedings for an offence against this Law, a certificate stating the result of any analysis made on behalf of the Minister shall be admissible in any proceedings under this Law as evidence of the matters stated therein but the prosecution or the defendant or person charged with the offence may require the person by whom the analysis was made to be called as a witness.

17 Inspection

- (1) Any officer in an administration of the States for which the Minister is assigned responsibility, being a pharmacist, generally or specially authorized in writing in that behalf (in this Article referred to as an “inspector”) shall be entitled at all reasonable times, subject to the production by him or her if so required of evidence of his or her authority, to enter any registered premises, or the premises on which any person whose name is entered in the list kept in pursuance of Article 11 carries on business, or any premises in which he or she has reasonable cause to suspect that a breach of the provisions of this Law or of any Order has been committed, and, in any such case, he or she shall have power to make such examination and enquiry and to do such other things (including the taking, on payment therefor, of samples) as may be necessary for ascertaining whether the provisions are being complied with.²⁰
- (2) If a person wilfully delays or obstructs an inspector in the exercise of any powers under this Article, or refuses to allow any sample to be taken in accordance with the provisions of this Article, or fails without reasonable excuse to give any information which he or she is duly required under this Article to give, he or she shall in respect of each offence be liable to a fine not exceeding level 2 on the standard scale.²¹
- (3) Nothing in this Article shall authorize any inspector to enter or inspect the premises, not being a shop, of a registered medical practitioner, registered dentist or registered veterinary surgeon.

18 Citation

This Law may be cited as the Poisons (Jersey) Law 1952.²²

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Pharmacy, Poisons and Medicines (Jersey) Law 1952	L.28/1952	1 January 1953 and 17 October 1952 (R&O.3189)
Dangerous Drugs (Jersey) Law 1954	L.5/1954	1 January 1955 (R&O.3503)
Pharmacy, Poisons and Medicines (Amendment) (Jersey) Law 1955	L.5/1955	28 May 1955
Pharmacy, Poisons and Medicines (Amendment No. 2) (Jersey) Law 1959	L.8/1959	30 May 1959
Pharmacy, Poisons and Medicines (Extension of Provisions) (Jersey) Law 1974	L.31/1974	20 December 1974
Medicines (Jersey) Law 1995	L.31/1995	17 November 1995
Criminal Procedure (Prescription of Offences) (Jersey) Law 1999	L.23/1999	23 July 1999
Subordinate Legislation (Amendment No. 2) (Jersey) Law 2001	L.2/2001	23 February 2001
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005
Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010	L.6/2010	16 May 2010
Legislation (Jersey) Law 2021	L.8/2021 (R&O.112/2021)	28 September 2021

Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(3)	repealed by L.31/1995
PART II	PART 2
8	repealed by L.31/1995
(2)	repealed by L.5/1955
9	repealed by L.31/1995
10	repealed by L.31/1995
11	repealed by L.31/1995
12	repealed by L.31/1995
13	repealed by L.31/1995
14	repealed by L.31/1995
PART III	PART 3

Original	Current
15	8
16	9
17	repealed by L.31/1995
18	10
(e)	(c)
19	11
20	12
PART IV	repealed by L.31/1995
21	repealed by L.31/1995
22	repealed by L.31/1995
23	repealed by L.31/1995
PART V	PART 4
24	13
25(1)(b)	14(1)(a)
(1)(b)(iii)	(1)(a)(ii)
(c)	(b)
(d)	(c)
(e)	(d)
(f)	(e)
(g)	(f)
(h)	(g)
(j)	deleted by L.31/1995
(k)	(h)
26	15
27	16
(3)	repealed by L.23/1999
(4)	repealed by L.23/1999
(5)	16(3)
28	17
(3)	repealed by L.31/1995
(4)	17(3)
29	repealed by L.5/1954
30	spent, omitted from this revised edition
31	18

Table of Endnote References

¹

This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government

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- ² *Power of control extended to include use of poisons – see L.31/1974; reference to sale of medicines deleted in consequence of amendments; reference to practise of pharmacy deleted – see L.6/2010*
- ³ *Article 1(1) amended by L.31/1995, L.6/2010*
- ⁴ *Article 1(2) substituted by L.31/1995*
- ⁵ *Part 2 deleted by L.6/2010*
- ⁶ *see also Poisons (General Provisions) (Jersey) Order 1968–Article 28 (R&O.5129)*
- ⁷ *Article 8(1) substituted by L.31/1995; former paragraph amended by L.31/1974*
- ⁸ *Article 9(1) amended by L.8/1959, L.31/1995*
- ⁹ *Article 9(2) amended by L.31/1995*
- ¹⁰ *Article 10 amended by L.31/1995*
- ¹¹ *Article 11 heading amended by L.31/1995*
- ¹² *Article 11(1) amended by L.31/1995*
- ¹³ *Article 11(5) amended by L.31/1995*
- ¹⁴ *Article 13 amended by L.31/1995*
- ¹⁵ *Article 14(1) amended by L.31/1995*
- ¹⁶ *Article 14(2) amended by L.31/1995*
- ¹⁷ *Article 15 deleted by L.8/2021*
- ¹⁸ *Article 16(1) amended by L.31/1995*
- ¹⁹ *Article 16(2) amended by L.31/1974*
- ²⁰ *Article 17(1) amended by L.31/1995*
- ²¹ *Article 17(2) amended by L.31/1995*
- ²² *Short Title the name of this Law was revised from the “Pharmacy, Poisons and Medicines (Jersey) Law 1952” to the “Pharmacy and Poisons (Jersey) Law 1952” by the Law Revision Board in pursuance of the law revision powers contained in the Law Revision (Jersey) Law 2003 and in response to amendments which made the original name unsuitable; the name of this Law was revised from the “Pharmacy and Poisons (Jersey) Law 1952” to the “Poisons (Jersey) Law 1952” by L.6/2010*