

**POISONS (PROHIBITION OF THE USE OF CERTAIN SUBSTANCES FOR  
AGRICULTURAL PURPOSES) REGULATIONS 1991**

I, MICHAEL WOODS, Minister for Agriculture and Food, in exercise of the powers conferred on me by Section 15 of the Poisons Act, 1961 (No. 12 of 1961) as amended by the Misuse of Drugs Act, 1977 (No. 12 of 1977) after consultation with Comhairle na Nimheanna, hereby make the following Regulations:—

REG 1

1. These Regulations may be cited as the Poisons (Prohibition of the use of Certain Substances for Agricultural Purposes) Regulations, 1991.

REG 2

2. These Regulations shall come into operation on the 1st day of January, 1992.

REG 3

3. (1) In these Regulations, except where the context otherwise requires—

"the Act" means the Poisons Acts, 1961 and 1977;

"agricultural purpose" includes amenity horticulture (including the growth and maintenance of grass surfaces for ornamental and sporting purposes), the protection of stored agricultural produce and the protection of livestock by laying a substance or preparation in or on land or causing it to be so laid;

"agricultural produce" includes agricultural produce which has undergone a process of preparation such as butchering, milling, drying or pressing;

"authorised officer" means an officer of the Minister authorised in writing by the Minister to exercise for the purposes of these Regulations the powers conferred on an authorised officer by these Regulations;

"the Minister" means the Minister for Agriculture and Food;

"poison" means a substance declared by Regulation 4 to be a poison for the purposes of these Regulations.

(2) In these Regulations—

( a ) a reference to a Regulation is to a Regulation of these Regulations unless it is indicated that reference to some other Regulations is intended,

( b ) a reference to a paragraph is to a paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

REG 4

4. The substances specified in the Schedule to these Regulations are hereby declared to be poisons for the purposes of these Regulations.

REG 5

5. The use or storage with intent to use by a person of a poison or a preparation containing a poison for an agricultural purpose is hereby prohibited.

REG 6

6. (1) An authorised officer, on production of his authorisation if so required by any person affected, may, for the purpose of these Regulations—

( a ) at all reasonable times enter any premises or place, including a railway wagon, vehicle, ship, vessel, aircraft, container or other thing, in which he has reasonable grounds for believing that a poison or a preparation containing a poison is being stored or used for agricultural purposes,

( b ) carry out or have carried out such examinations, tests, inspections and checks of the premises or place and any substance or preparation found thereat as he reasonably considers to be necessary for the purposes of his functions under these Regulations,

( c ) take such samples of any plant, crop, preparation, soil, compost, agricultural produce or any other substance which he finds in the course of his inspections, and which he reasonably considers to be necessary for the purpose of his functions under these Regulations,

( d ) at such premises or place, inspect and take copies of, or of extracts from, any books, documents or other records which he finds in the course of his inspection,

( e ) require any person at the premises or place and the owner or person in charge thereof and any person employed in connection therewith to give him such information and to produce to him such books, documents and other records which are in that person's power or procurement as he may reasonably require for the purposes of his functions under these Regulations,

( f ) take possession of and remove for examination any substance which he suspects to be a poison or a preparation containing a poison and retain such substance for such time as he considers reasonable for the purposes of his functions under these Regulations.

(2) A person who obstructs or impedes an authorised officer in the exercise of a power conferred on him by these Regulations or, without reasonable excuse, fails or refuses to comply with a requirement under this Regulation or who, in purported compliance with such a requirement gives information to an authorised officer that he knows to be false or misleading in a material respect shall be guilty of an offence.

(3) Where a sample is taken pursuant to this Regulation the authorised officer concerned shall divide the sample into three parts

and place each part in a container which he shall forthwith seal and mark.

(4) Where a sample has been divided into three parts as required by paragraph (3), the authorised officer shall leave with or send by registered post to the person who owns or appears to be in charge of the substance from which the sample was taken one of the sealed containers.

(5) In a prosecution of a person for a contravention of Regulation 5 the result of any test, examination or analysis of, or any report on, a sample taken pursuant to this Regulation shall not be adduced in evidence unless, before the prosecution was commenced the provisions of paragraphs (3) and (4) were complied with.

(6) ( a ) In any proceedings for an offence under these Regulations a certificate issued and signed by an officer of the Minister showing the results of an analysis carried out on behalf of the Minister shall, until the contrary is shown, be sufficient evidence of the facts stated therein in relation to the presence of any poison or toxic metabolite or breakdown product of a poison and the level of such poison, metabolite or breakdown product within or on agricultural produce, plants, soil, compost or equipment capable of use for applying a poison or a preparation containing a poison for an agricultural purpose.

( b ) A document purporting to be a certificate such as is referred to in subparagraph (a) of this paragraph and to be issued and signed by an officer of the Minister shall be deemed, until the contrary is shown, to be such a certificate.

## REG 7

7. (1) An authorised officer may, by a notice in writing given to the owner or to the person who appears to be in charge or control of a poison or preparation which has been seized under Regulation 6—

( a ) require things specified in the notice to be done by the person to whom the notice is given before the poison or preparation is released by the officer, or

( b ) require the disposal of the poison or preparation by the person to whom the notice is given in a manner which is consistent with these Regulations and within the period of time specified in the notice upon its release by the officer and the authorised officer may retain control of the poison or preparation until he is satisfied that the requirements of the notice have been or, as the case may be, will be complied with.

(2) Any person who is aggrieved by a notice under paragraph (1) may, not later than the expiration of the period of 21 days beginning on the date of receipt of the notice or such further period as the Court may allow, appeal against the notice to the judge of the District Court exercising jurisdiction in the District Court district wherein the notice was served.

(3) Notice of an appeal under paragraph (2) shall be served on the Minister at least 21 days prior to the hearing of the appeal.

(4) ( a ) Where an appeal is brought under paragraph (2) the District Court, if it is satisfied that—

(i) the poison or preparation to which the notice concerned under paragraph (1) relates is one to which Regulation 5 of these

Regulations applies, and

(ii) upon its release, the poison or preparation might be used for an agricultural purpose, shall make such order (including an order directing the disposal (at the expense of the owner) of the poison or preparation in such manner as it may specify), as it considers appropriate.

( b ) Where an order made by the District Court under this paragraph requires the poison or preparation to which it relates to be disposed of by an authorised officer, the cost of such disposal shall be recoverable by the Minister as a simple contract debt in any court competent jurisdiction from the person who was the owner of the poison or preparation at the time of its seizure under Regulation 6.

(5) A notice under this Regulation shall not come into force until—

( a ) in case an appeal is brought against the notice, the appeal is withdrawn,

( b ) in any other case, the period during which such an appeal may be brought has expired.

(6) A person who fails to comply with a requirement of a notice under paragraph (1) of this Regulation shall be guilty of an offence.

#### REG 8

8. If any person fraudulently—

( a ) tampers with any poison or preparation so as to procure that any sample of it taken pursuant to these Regulations does not correctly represent the poison or preparation, or

( b ) tampers or interferes with any sample taken pursuant to these Regulations,  
he shall be guilty of an offence.

#### REG 9

9. (1) A person who contravenes a provision or fails to comply with a requirement of or under these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he were guilty of the first-mentioned offence.

(4) In a prosecution of a person for a contravention of Regulation 5 in relation to the use of a poison or a preparation containing a poison, evidence of the presence of a poison or of a toxic metabolite or breakdown product of a poison—

( a ) on or in agricultural produce or plants owned by the person,

( b ) on or in equipment capable of being used for applying a poison or a preparation containing a poison for an agricultural purpose and found on the land of the person,

( c ) on or in soil or compost or any other material used for producing agricultural produce or plants and found on the land of the person, or

( d ) on or in a bait found on or in the land of the person, shall be evidence of such a contravention unless the court is satisfied, having regard to all the evidence, that there is a reasonable doubt as to whether the occupier was so contravening the said Regulation.

(5) In a prosecution for a contravention of Regulation 5 in relation to the storage of a poison or a preparation containing a poison, evidence of the presence of a poison or a preparation containing a poison on any premises shall be sufficient evidence that the poison or preparation was being stored by the occupier of the premises with intent by him to use the poison or preparation in contravention of this Regulation unless the court is satisfied, having regard to all the evidence, that there is a reasonable doubt as to whether the occupier was so storing the poison or preparation.

REG 10

10. An offence under these Regulations may be prosecuted by the Minister.

#### **SCHEDULE**

The following substances and their isomers:

Chlordane

Chlordecone

Reserpine

Strychnine, its salts and quaternary compounds.

GIVEN under my Official Seal, this 20th day of December, 1991.

MICHAEL WOODS,

Minister for Agriculture and Food.

#### **EXPLANATORY NOTE.**

The Regulations declare that the following substances and their isomers are poisons and as such prohibit their use or storage with intent to use for agricultural purposes.

chlordane, chlordecone, reserpine, strychnine its salts and quaternary compounds.