



Isle of Man

Ellan Vannin

AT 1 of 1961

**AGRICULTURE (POISONOUS
SUBSTANCES) ACT 1961**



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**Isle of Man***Ellan Vannin*

AGRICULTURE (POISONOUS SUBSTANCES) ACT 1961

Received Royal Assent: 27 February 1961

Passed: 18 April 1961

Commenced: 18 April 1961

AN ACT to provide for the protection of employees against risks of poisoning by certain substances used in agriculture.

GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.
2. GC192/86 was amended by GC376/86.

1 [Repealed]¹

2 Duties of employees

- (1) No worker employed to work in connection with the use in agriculture of substances to which this Act applies, or on land on which such substances are being or have been used in agriculture, shall —
 - (a) wilfully interfere with or misuse any appliance, clothing, equipment, facilities or other thing provided in pursuance of regulations under this Act; or
 - (b) wilfully and without reasonable cause do anything likely to cause risk of poisoning by a substance to which this Act applies, to himself or others.²

- (2) [Repealed]³

3 [Repealed]⁴

4 Offences and punishment therefor

- (1) If a person —

- (a) contravenes any provision of regulations under this Act;
- (b) contravenes any provision of section two of this Act;
- (c) and (d) [Repealed]⁵

he shall be guilty of an offence against this Act.

- (2) to (4) [Repealed]⁶

5 [Repealed]⁷

6 Provisions as to samples

- (1) An inspector may take for analysis a sample of any substance or thing which in his opinion may be, or contain, a substance to which this Act applies, and which he finds on, or has reasonable cause to believe to be in transit to or from, such land or premises as are mentioned in subsection (2) of section three of this Act.⁸
- (2) An inspector taking a sample under the preceding subsection with the intention of having it analysed shall, if practicable, forthwith after taking it give information of his intention to the employer of any person then working as mentioned in subsection (1) of section one of this Act on the land or premises in question, and shall then and there divide the sample into parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall —
 - (a) if required so to do by an employer so informed, deliver one part to him;
 - (b) retain one part for future comparison; and
 - (c) if the inspector thinks fit to have an analysis made, submit one part to an analyst approved by the Department for the purposes of this Act.⁹
- (3) Where it is not practicable for the inspector to give information of his intention as mentioned in the last preceding subsection to an employer, the inspector shall, if he intends to have the sample analysed and if he can ascertain the name and address of the employer, forward one part of the sample to him by registered post or otherwise, together with a notice informing him that he intends to have the sample analysed.
- (4) A document purporting to be a certificate by an analyst approved by the Department for the purposes of this Act as to the result of an analysis of a sample shall in proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.¹⁰
- (5) In any proceedings under this Act in which the prosecutor intends to rely on evidence relating to a sample taken under this section, the summons shall not be made returnable less than fourteen days from the day on

which it is served, and a copy of any certificate of analysis obtained on behalf of the prosecutor shall be served with the summons.

- (6) In any proceedings under this Act in which the prosecutor relies on evidence relating to a sample taken under this section, the part of the sample retained by the inspector for future comparison shall be produced at the hearing.
- (7) The court before which any proceedings are taken under this Act may, if it thinks fit, and upon the request of either party shall, cause the part of any sample produced before the court under the last preceding subsection to be sent to the Government Chemist of the United Kingdom, who shall make an analysis, and transmit to the court a certificate of the results thereof, and the cost of the analysis shall be paid by the prosecutor or the defendant, as the court may order.

If, in a case where an appeal is brought, no action has been taken under the preceding provisions of this subsection, those provisions shall apply also in relation to the court by which the appeal is heard.

7 Application to the Crown

This Act, and regulations thereunder, shall bind the Crown, but regulations under this Act may provide for modifications or exceptions in the application of this Act or such regulations to, or in relation to, the Crown.

8 Substances to which this Act applies

- (1) The substances to which this Act applies are —
 - (a) dinitro-phenols and their salts;
 - (b) dinitro-substituted phenols and their salts;
 - (c) organo-phosphorous compounds;
 - (d) endrin;
 - (e) arsenical compounds;
 - (f) fluoroacetic acid and its derivatives;
 - (g) organo-mercury compounds;
 - (h) preparations or mixtures containing any of the substances mentioned in the preceding paragraphs;
 - (i) substances to which this Act for the time being applies by virtue of an exercise of powers conferred by the succeeding provisions of this section.
- (2) If the Department are satisfied as to a substance not being one to which this Act for the time being applies that its use in agriculture involves, or that if used in agriculture its use therein would be likely to involve, substantial risk of poisoning to workers employed to work as mentioned

in subsection (1) of section one of this Act, the Department may by order direct that this Act shall apply to that substance.¹¹

(3) An order under this section may be varied or revoked by a subsequent order made by the Department.¹²

(4) Any order made under this Act by the Department shall be laid before Tynwald as soon as may be after it has been made, but shall not take effect until approved by resolution of Tynwald.¹³

9 and 10 [Repealed]¹⁴

11 Interpretation

(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say –

“**agriculture**” includes dairy-farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds;

“**Board**” [Repealed]¹⁵

“**consumable produce**” means produce grown for consumption or for other use after severance from the land on which it is grown;

“**Department**” means the Department of Environment, Food and Agriculture;¹⁶

“**inspector**” means an inspector within the meaning of the Health and Safety at Work etc. Act 1974 (an Act of Parliament), as it has effect in the Isle of Man;¹⁷

“**worker**” means a person employed under a contract of service or apprenticeship, and “**employer**” and “**employed**” have corresponding meanings.

(2) Any reference in this Act to a contravention of any provision shall include a reference to a failure to comply with that provision.

12 Short title

This Act may be cited as the Agriculture (Poisonous Substances) Act, 1961.

13 Commencement

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 1 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

² Subs (1) amended by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 9 (applied SD155/98).

³ Subs (2) repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

⁴ S 3 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

⁵ Paras c) and (d) repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

⁶ Subss (2) to (4) repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

⁷ S 5 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

⁸ Subs (1) amended by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 9 (applied SD155/98).

⁹ Para (c) amended by GC192/86.

¹⁰ Subs (4) amended by GC192/86.

¹¹ Subs (2) amended by GC192/86.

¹² Subs (3) amended by GC192/86.

¹³ Subs (4) amended by GC192/86.

¹⁴ Ss 9 and 10 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

¹⁵ Definition of “Board” repealed by GC121/86.

¹⁶ Definition of “Department” inserted by GC192/86 and amended by SD155/10 Sch 5 and by SD2014/0218.

¹⁷ Definition of “inspector” inserted by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 9 (applied SD155/98).